STREET SPIRIT

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JUSTICE NEWS & HOMELESS BLUES IN THE BAY AREA

Sleepouts in Defiance of Santa Cruz Sleeping Ban

by Alex Darocy

On August 11, community members in Santa Cruz held their fifth in a series of sleep-outs organized at City Hall to protest local laws that make it illegal for homeless people to sleep in public. Police arrived at midnight and issued citations to many of the demonstrators who were attempting to sleep in the courtyard as an act of civil disobedience.

Police also issued 24-hour stay-away orders to at least two of those present, and a journalist who has been documenting the whole series of protests was arrested and taken to jail. After police left, most of the protesters remained and slept on the sidewalk until the next morning.

Undaunted by the arrests and citations, demonstrators returned to City Hall and carried out their next action one week later, on the evening of Tuesday, August 18, followed by still another sleepout on August 25.

The courtyard area of Santa Cruz City Hall is closed to the public at night, which is one of the issues addressed by homeless rights demonstrators. Their desire is to see city parks opened at night so that people without homes will have a place to go where they are not targeted by police.

Another focus of the protests has been the local Sleeping/Camping Ban, which prohibits sleeping in public in the city (with or without setting up bedding) between the hours of 11 p.m. and 8:30 a.m. The ordinance also criminalizes sleeping in cars.

Santa Cruz police arrest journalists and issue stay-away orders during the sleep-out protests. Photo by Alex Darocy, Indybay.org.

The sleepout on August 11 may have been the first time the city's stay-away ordinance in local parks has been used against political protesters and journalists.

Many of those participating in the campouts are now calling themselves, "Freedom Sleepers."

They first arrived at City Hall at 3 p.m. for the August 11 protest. The weather was warm and some individuals took advantage of the solar shower set up by booth organizers in the courtyard.

A duo played music in the courtyard through the campers' PA system as the City Council meeting began inside. Adjacent to council chambers, snacks were provided on a Food Not Bombs

See **Sleep-Outs in Defiance** *page 16*

Living for Peace in the Shadow of Death

by Terry Messman

The path of nonviolence is a lifelong journey that leads in unexpected directions to far-distant destinations. One of the most meaningful milestones on Shelley Douglass's path of nonviolence came on Ash Wednesday, Feb. 16, 1983, when she walked down the railroad tracks into the Bangor naval base with Karol Schulkin and Mary Grondin from the Ground Zero Center for Nonviolent Action.

As the three women walked down the tracks used to transport nuclear warheads and missile motors into the naval base, they posted photographs of the atomic bomb victims of Hiroshima and Nagasaki — a prophetic warning of the catastrophic consequences of Trident nuclear submarines.

The photos revealed the human face of war, the face of defenseless civilians struck down in a nuclear holocaust. The women continued on this pilgrimage deep into the heart of the Trident base, until security officers arrested them an hour after they began.

Their journey into the Trident base was both a political call for nuclear disarmament and a spiritual call to turn away from the ways of war. The three women spoke from the heart of their faith tradition by praying for peace and seeking arrest on Ash Wednesday.

The statement they released after their arrest merged the political and the spiritual, invoking both the principles of international law and the spiritual law of love. "We walk these tracks as an appeal to all people to take seriously the principles of international law against indiscriminate and aggressive weapons. We walk these tracks as an appeal to all people to heed the law of love written by our creator in the human heart."

'Not in My Name'

After their arrest, Shelley Douglass was jailed for 60 days. Karol Schulkin was also jailed and told the court: "I must stand up and say, 'no more' — no more bombings and burning of people and lands. Not in my name. I reclaim my humanity. I will act on what I know. I refuse to remain silent."

As Ground Zero continued to organize acts of resistance to the Trident submarine, Shelley was led onward by a deeper understanding of what was at stake. She said, "We objected not to Trident in particular but to the entire arms race, and to the new first-strike policy which Trident represents.

"Our resistance had to be deep enough to address the societal causes of the arms race — our own selfishness and greed, our system's exploitation of people for profit, the oppression of people based on their race, age, or sex. If a nonviolent campaign was to be successful in the deepest sense, it had to include these sources of violence and take into account the pervasive nature of many forms of violence in our lives."

The history of nonviolent organizing for social change encompasses a vast and imaginative diversity of movements for peace and justice — a far richer legacy of resistance than the public generally realizes. The larger picture of nonviolence involves literally thousands of creative campaigns to protect the entire web of life wherever it is imperiled — "reweaving the web of life," as a groundbreaking anthology of feminist writings on nonviolence once described it.

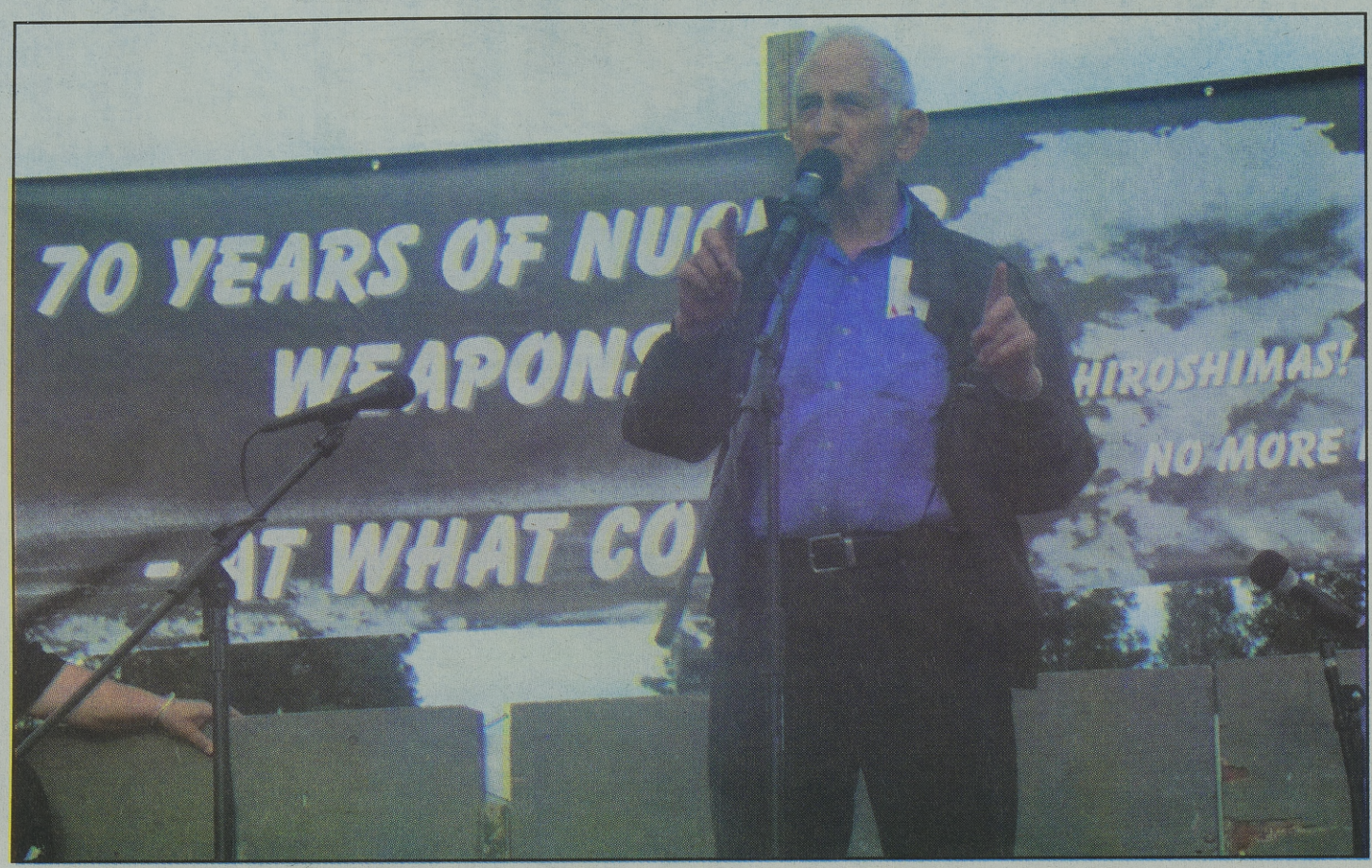
Shelley Douglass shares bread with Archbishop Raymond Hunthausen at peace vigil on the railroad tracks at the Bangor Naval Base, in protest of Trident submarines.

In fact, there are as many forms of creative nonviolence as there are threats to life on the planet. In the life of Shelley Douglass, we can trace a path that begins with antiwar actions, then leads to an inventive array of nonviolent methods to resist multiple forms of injustice and violence.

See **Shelley Douglass Living for Peace** *page 8*

Protesting the Holocaust Laboratory at Livermore

"The killing of civilian noncombatants for political purposes is terrorism and mass murder — nothing else. It should not have happened. It did not need to happen. It should never happen again."
— Daniel Ellsberg



Daniel Ellsberg speaks at Livermore Lab about the "outrageous folly and criminality" of nuclear weapons. Ellen Danchik photo

by Terry Messman

On August 6, 1945, at 8:15 a.m., an entire city was shattered and the world was changed forever when an atomic bomb was dropped on the unsuspecting residents of Hiroshima by a U.S. B-29 bomber, the Enola Gay.

The bomb fell silently from the sky for 43 seconds, then a cataclysmic explosion turned the city of Hiroshima into a raging inferno, blasting buildings into nothingness, and incinerating tens of thousands of children, women and men.

An estimated 80,000 human beings were destroyed instantly in the first heart-stopping moments of the Unforgettable Fire, while countless others died slowly in the months and years to come from terrible burns, injuries and exposure to lethal radioactivity. By the end of 1945, an estimated 140,000 people had died in Hiroshima and at least another 90.000 had died in Nagasaki from the second atomic bomb attack on August 9, 1945.

Countless people were literally vaporized, leaving only shadows on the walls and sidewalks of Hiroshima — ghostly reminders of the lives that had been reduced to atoms by the atomic blast.

This year, on August 6, 2015, more than 300 people gathered at Lawrence Livermore Laboratory on the 70th anniversary of the annihilation of Hiroshima to protest the nuclear weapons designed at the facility that some activists have called a "holocaust laboratory."

Haunting shadows of Hiroshima

Following the rally, protesters marched to the gates of Livermore and blocked the entrance to the weapons laboratory, staging a die-in on the roadway while chalk outlines were drawn around their bodies.

After more than 50 people were arrested and taken away by police for this act of civil disobedience, only the chalk outlines remained, a haunting memorial to the victims of Hiroshima and Nagasaki who were blasted into shadows on the walls of the two Japanese cities turned into rubble by U.S. nuclear weapons.

Chizu Hamada, the organizer of No Nukes Action Committee, formed after the Fukushima meltdown to protest Japanese and U.S. government nuclear policies, described the enormous loss of life and the unparalleled human suffering caused by the atomic bombing of Hiroshima and Nagasaki.

She urged the gathering to carry on their protests in honor of the spirits of those who died in Hiroshima and Nagasaki. In an extraordinarily moving appeal, Hamada asked protesters to keep working for nuclear abolition because the fate of the entire world hangs in the balance.

"We must keep on protesting," Chizu Hamada said. "We must never give up because the spirits of Hiroshima and Nagasaki victims are here now, and are wishing the abolition of nuclear weapons."

The organizers and speakers at the Hiroshima Day action at Livermore are a living testimony to the lasting dedication that has kept alive the anti-nuclear movement for decades. Daniel Ellsberg and Country Joe McDonald, two of the most prominent voices of the antiwar movement, came to Livermore this year, demonstrating their longstanding faithfulness to the cause of preventing war and abolishing nuclear weapons.

Ellsberg has been a dedicated and insightful voice for peace and disarmament for more than 40 years. Since releasing the Pentagon Papers in 1971, Ellsberg has spoken out tirelessly against nuclear weapons, and has been arrested more than 100 times for acts of civil disobedience.

Country Joe McDonald wrote and performed one of the greatest of all antiwar anthems, "I Feel Like I'm Fixin' to Die Rag," and composed several other politically outspoken songs, including "Superbird" and "An Untitled Protest."

McDonald went on to record a classic album, "Thinking of Woody Guthrie," featuring his beautiful versions of Guthrie's radical populist anthems. McDonald is one of the very few musicians who has remained personally involved in antiwar activism, veterans rights, and environmental causes for the past 50 years.

Jackie Cabasso, executive director of Western States Legal Foundation, and Marylia Kelley, executive director of Tri-Valley CAREs, have been two of the leading Bay Area organizers for nuclear disarmament for the past three decades.

Cabasso cofounded Western States in 1982 and Kelley launched Tri-Valley CAREs in 1983. Both organizations began at the height of the anti-nuclear movement in California in the early 1980s, but while many other peace groups folded, Cabasso and Kelley have remained constantly dedicated and are now recognized as leading voices in the movement for nuclear disarmament.

Voices of the Hibakusha

Perhaps the most moving expression of devotion to the cause of peace and disarmament has been demonstrated by the hibakusha, Japanese survivors of the atomic bombs in Hiroshima and Nagasaki who often have suffered lifelong injuries and diseases caused by atomic radiation.

Of all the powerful voices that spoke out for disarmament on the 70th anniversary of the Hiroshima bombing, the most poignant moment came when Takashi Tanemori, a survivor of the first atomic blast, appeared at the gates of Livermore Laboratory. He seemed to speak as the voice of conscience for all those who were forever silenced by the atomic attacks that leveled Hiroshima and Nagasaki.

Takashi Tanemori was only 8 years old when the bomb fell on Hiroshima. The brilliant white flash of the atomic blast was the last thing he ever saw, for on that day, Takashi lost both parents, his two siblings — and his eyesight.

He described that devastating moment in his book, *Hiroshima: Bridge to Forgiveness*. "Without warning! Blinding, burning, shocking white light! I covered my closed eyes. I saw pure white light through my covered eyes....

"In an instant my school and all Hiroshima had evaporated. When I regained consciousness, I awoke in Hell. The three-story wooden frame school had collapsed into a heap of matchsticks. My first floor classroom lay shattered and flattened on the ground. Beneath the heap, I lay buried on my back, unable to move. I couldn't see anything."

Takashi Tanemori would never see anything again for the rest of his life. He spoke out at Livermore this year as a living reminder that the survivors of Hiroshima and Nagasaki were sentenced to suffer for the rest of their lives from the terrible aftereffects of the U.S. bombing.

Chizu Hamada said, "Even now, 70 years later, aftereffects remain, such as leukemia, A-bomb cataracts, cancers, birth defects, mental retardation. And the fear of birth defects in children will last many generations."

Hiroshima was 'Mass Murder'

Daniel Ellsberg said, "The killing at Hiroshima was mass murder — terrorism."

"The killing of civilian noncombatants for political purposes is terrorism and mass murder — nothing else. It should not have happened. It did not need to happen. It should never happen again."

Ellsberg was only 14 in 1945 when the atomic bomb was dropped on Hiroshima, yet he said he felt "very great dismay" and realized even then that a "very ominous thing had happened."

In the 1960s, Ellsberg was a military analyst for the Rand Corporation and a consultant to the Departments of Defense and State, specializing in the command and control of nuclear weapons, and helping carry out a top-secret study of U.S. military operations in the Vietnam War.

After becoming convinced that the United States was pursuing the wrong course, Ellsberg released the Pentagon Papers in 1971 to the *New York Times* and began speaking out against the war.

Nearly everyone remembers Ellsberg as the whistleblower who released the Pentagon Papers, but not as many realize his enormous dedication to the anti-nuclear movement. Ellsberg was instrumental in the protests at the Rocky Flats plutonium trigger plant in Colorado, and was arrested in the 1970s in acts of civil disobedience there.

He went on to be arrested many times in nonviolent protests at Livermore Laboratory, the Concord Naval Weapons Station, the Vandenberg AFB missile test site and the Nevada Test Site.

Ellsberg was arrested at the first major protest held by the Livermore Action Group in February 1982, and was arrested at Livermore again in June 1983 on the International Day of Nuclear Disarmament. Many activists still remember the impassioned seminars on nuclear weapons that Ellsberg gave in jail to several hundred of his fellow prisoners after the June 1983 civil disobedience.

Ellsberg's arrest at Livermore this year came more than 30 years after his first arrests at Livermore Laboratory.

The kind of peace that was bought with the continuous building and modernizing and deploying of nuclear weapons, Ellsberg told the gathering, has "made the possibility of mass murder ever present — and I mean from minute to minute."

The threat of using nuclear weapons is a policy of "outrageous folly and criminality" that could lead to a nuclear war. "And yet these threats go on — and they are threats of ending nearly all life."

The Vital Importance of the Anti-Nuclear Movement

Ellsberg said that the protests of the anti-nuclear movement were of vital importance in stopping the threat of nuclear war. "All over the world today," he said, "there are groups like this. And if it hadn't been for groups like this, we would have had a nuclear war earlier."

He vividly described the moment when the atom bomb was dropped and then asked demonstrators to imagine being one of the unsuspecting residents of Hiroshima during the few seconds after the bomb was released — but before it exploded in a mushroom cloud that obliterated the city.

"The bomb is usually described as having exploded at 8:15 a.m.," Ellsberg said. "When I was in Hiroshima, I noticed something odd. In all of the museums and the illustrations and artifacts of the bomb, there were watches that stopped when the bomb exploded, all at the same time. But they were not stopping at 8:15. They were

See **Livermore Protest** *page 3*

Livermore Protest Honors Hiroshima

from page 2

stopping at 8:16."

Ellsberg learned that the bomb was dropped at 8:15 a.m. on the morning of August 6, 1945, but it took 43 seconds to fall from the plane flying at 31,060 feet. It was released on a parachute to give the plane time to get away. So even as the bomb fell on the unsuspecting city below, people went about their daily business for nearly one more minute.

One more minute of life...

Ellsberg asked people to close their eyes and imagine themselves to be Japanese residents of Hiroshima that morning, still in bed, or at the breakfast table with their family, or walking to work or attending school, just as survivors have described doing in that last minute.

"At 8:15, all of these people were doomed," Ellsberg said. "But they had 43 seconds in which to live on earth with other people. Try that. Be there. The bomb has dropped. Close your eyes and imagine yourselves living in Hiroshima."

At the gates of Livermore, hundreds of people were silent for 43 seconds — the entire span of life left for tens of thousands of defenseless civilians in Hiroshima as the bomb silently fell.

At the end of 43 seconds, Ellsberg said, "Time for a baby to be conceived or even born. Time to look at flowers. Time to say goodbye to your child as he leaves for school. An amazing amount of time.

"Every minute of that is precious. That's what we're threatening and we shouldn't be. Every minute of that, let alone several years, is precious."

Ellsberg then invited people to join him in committing civil disobedience by blocking the gates at Livermore. "It's never really a good day to die," he said. "But this is a good day to get arrested."

'Don't drop the H-Bomb on me'

Country Joe McDonald animated the gathering by performing a mini-concert of antiwar anthems and anti-Bomb ballads, delivered in his unique blend of countercultural radicalism and the satiric surrealism that provided a soundtrack for the anti-Vietnam War movement.

Back in 1967, Country Joe and the Fish recorded a plaintive song, "Thought Dream," that unexpectedly mutated into a refrain that could have been a sardonic slogan of the anti-nuclear movement: "Please don't drop that H-Bomb on me!"

At the gates of Livermore Laboratory, Country Joe kept alive that classic combination of sarcastic wit and antiwar outrage by performing a black-humor ballad about World War III called "Camouflage."

"I've got a camouflage house
and a camouflage car
a camouflage pool in my backyard.
And I ain't afraid of World War III
cuz if they drop the Bomb
I'll just melt into the scenery."

The song lampoons the paranoia of the nuclear age by depicting a survivalist who is ready to hide from the holocaust in his camouflage gear. It includes a truly chilling double entendre: "If they drop the Bomb, I'll just melt into the scenery."

That disquieting image calls to mind the residents of Hiroshima who literally melted into the scenery — melted and vaporized into shadows on the wall.

Next, McDonald sang one of the most effective anti-war anthems of all, a great derisive blast against the masters of war who would march people lockstep into battlegrounds and graveyards.

"And it's one, two, three,
What are we fighting for?
Don't ask me, I don't give a damn,
Next stop is Vietnam.
And it's five, six, seven,
Open up the pearly gates.
Well there ain't no time to wonder why,
Whoopee! We're all gonna die."

McDonald's timeless song of dissent exposes the duplicity of military leaders who indoctrinate the brainwashed masses to fight and die and never wonder why.

Both these songs are hilarious send-ups of the absurdity of war, but there is another, very different dimension of McDonald's political songwriting. He wrote "An Untitled Protest," a quietly powerful lament that depicts the full tragedy of war for its youngest victims.

"An Untitled Protest" is a haunting elegy for the countless children who have fallen victim to U.S. bombing raids on their homeland — raids by "silver birds" that blindly drop anti-personnel weapons on "shores they've never seen."

"Red and swollen tears
tumble from her eyes,
While cold silver birds
who came to cruise the skies
Send death down to bend
and twist her tiny hands
And then proceed to Target B
in keeping with their plans."

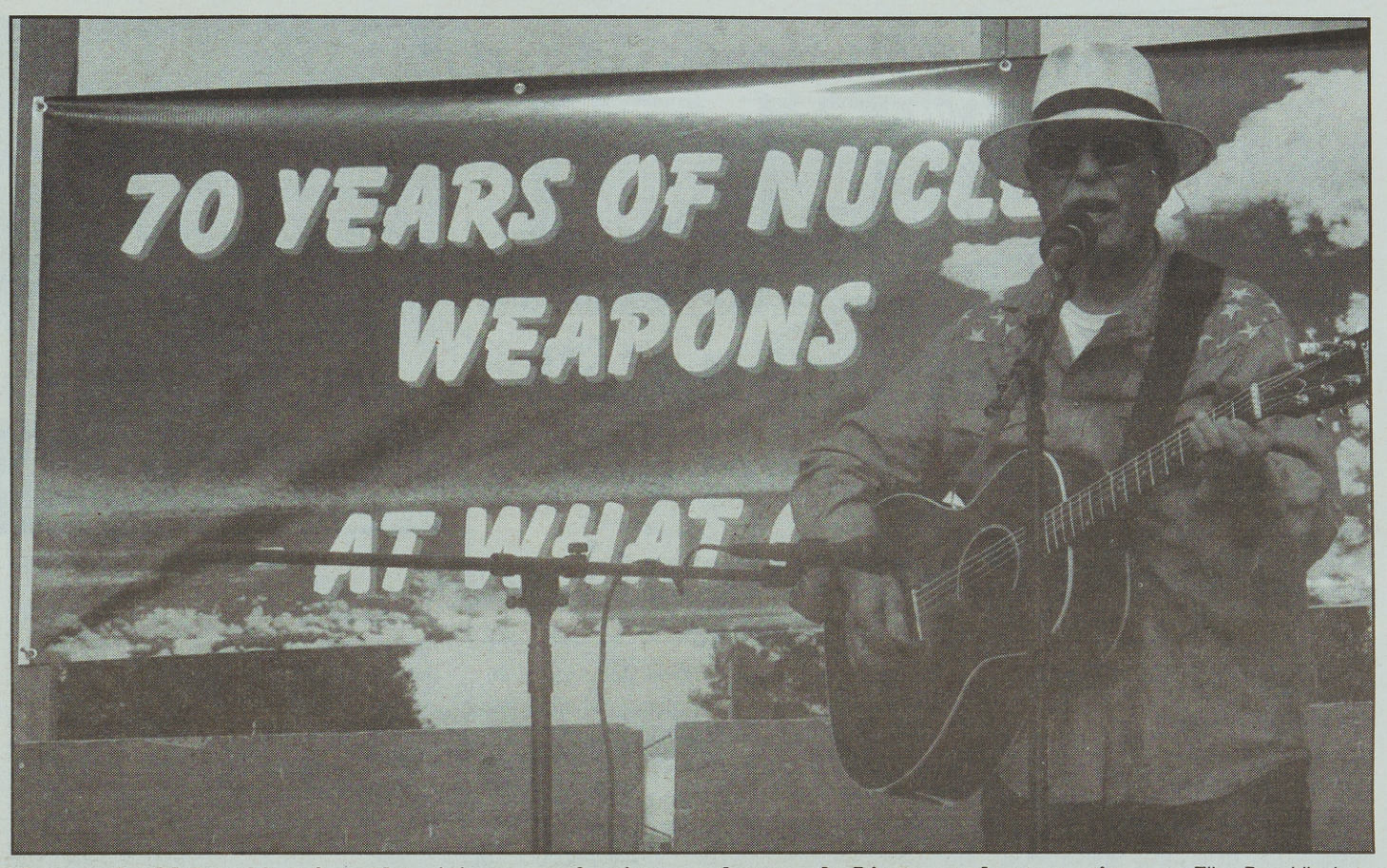
In a voice both mournful and quietly outraged, McDonald portrays the destruction unleashed by "the death machine" and piloted by khaki soldiers who "ride a stone leviathan across a sea of blood."

Livermore Spends One Billion Dollars Annually on Nukes

Marylia Kelley, director of Tri-Valley CAREs, was one of the lead organizers of the Livermore protest on the 70th anniversary of Hiroshima, but then she has been a leading organizer for countless Livermore protests over the years. When the Livermore Action Group disbanded in 1986, only the most highly committed activists remained to keep the anti-nuclear work alive, first and foremost Marylia Kelley, Jackie Cabasso and Carolyn Scarr of the Ecumenical Peace Institute.

Tri-Valley CAREs has extensively researched the laboratory's funding, priorities and nuclear weapons projects. Kelley reported that Livermore Laboratory is currently involved in modernizing the U.S. nuclear arsenal and designing new long-range nuclear warheads.

Many people would like to believe that the arms race is winding down, and Livermore Lab's public relations department often claims that lab technicians are now focused on projects such as energy efficiency and nuclear energy research. Yet, Tri-Valley CAREs reports that the overwhelming majority of the lab's budget is spent on nuclear weapons.



Country Joe McDonald performed a mini-concert of anti-war anthems at the Livermore demonstration. Ellen Danchik photo

Country Joe McDonald sang one of the most effective anti-war anthems of all, "I Feel Like I'm Fixin' to Die Rag," a great derisive blast against the masters of war who would march people lockstep into battlegrounds and graveyards.

More than 85 percent of Livermore's funding is designated for nuclear weapons — adding up to expenditures of one billion dollars on nuclear weapons activities in fiscal year 2016.

In a nation that already has 16,000 nuclear weapons, Kelley explained how Livermore Lab technicians are still spending one billion dollars this year alone to design new nuclear weapons technology.

"A new Long-Range Stand Off nuclear warhead design and the start of plutonium shots in the lab's National Ignition Facility reveal two facets of this new arms race," Kelley said. "In contrast to the Cold War, which was largely about sheer numbers, the new arms race and its dangers stem from novel military capabilities now being placed into nuclear weapons."

A Call to Action

Jackie Cabasso, executive director of the Western States Legal Foundation, offered a stirring call to action for people committing civil disobedience at the gates of Livermore Laboratory.

Cabasso quoted the profound warning given to the UN Special Session on Disarmament in 1982 by then-Mayor of Hiroshima, Takeshi Araki.

Hiroshima's mayor told the United Nations: "Hiroshima is not merely a witness of history. Hiroshima is an endless warning to the future of humankind. If Hiroshima is ever forgotten, it is evident that the mistake will be repeated and bring human history to an end."

In actuality, the mistake of Hiroshima was repeated, and only three days later, at Nagasaki, obliterated on August 9, 1945.

Cabasso quoted the passionate outcry of Nagasaki Mayor Hitoshi Motoshima: "Nagasaki has to be forever the last city in the world bombed by nuclear weapons."

"That is why we're here," Cabasso said — to ensure that nuclear weapons are never used again.

After people march to the west gate of Livermore Lab, Cabasso explained, sirens will sound in remembrance of the second atomic bomb dropped on Nagasaki. "The sirens will signal a die-in," she said.

"The chalk outlines that we'll leave behind today are solemn reminders of the shadows of human beings vaporized by atomic bombs 70 years ago that still haunt the walls and sidewalks of Hiroshima and Nagasaki."

Cabasso called on the U.S. government to "lead a process with a timetable to achieve the universal elimination of nuclear weapons."

As demonstrators applauded the call for the elimination of nuclear weapons, Cabasso said, "Let us demand: No more Hiroshimas! No more Nagasakis! No more Fukushimas! No more wars!"

Street Spirit

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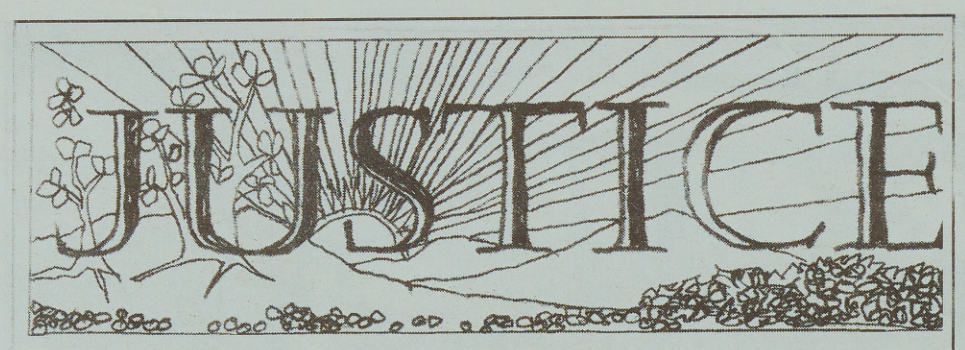
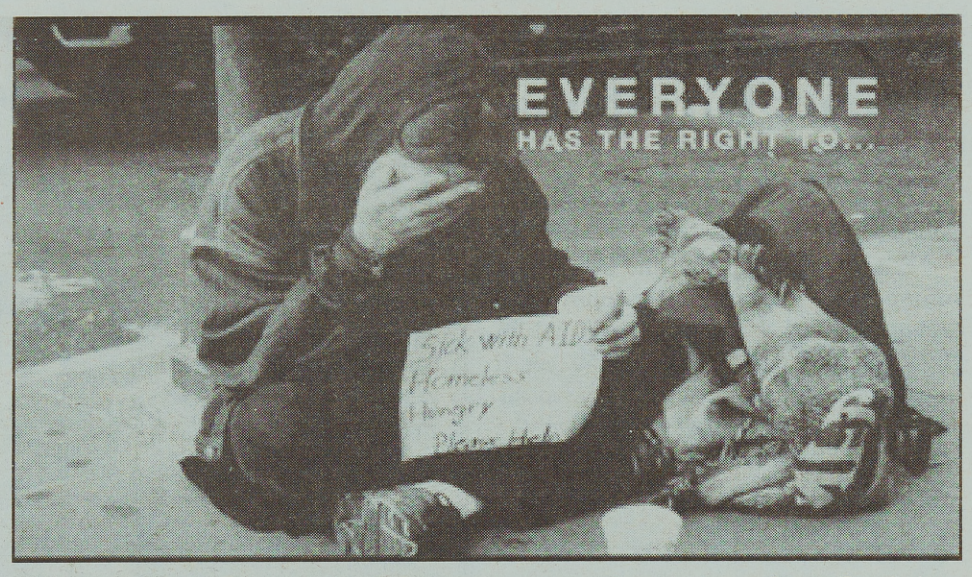


Justice Department Calls Boise Laws 'Cruel and Unusual Punishment'



"Everyone has the right to..." **suffer from poverty on the streets.** Robert Terrell photo

A Column on Human Rights

by Carol Denney

It ought to be good news that the Department of Justice (DOJ) issued a statement of interest on August 6, 2015, in a case in Boise, Idaho, which criticizes the increasing willingness of cities to criminalize sleeping, sitting, and other inevitable conditions of homelessness. It sounds like music to those who care about human rights.

The first sentence affirms that "on any given night in the United States, half a million people are likely to be experiencing homelessness..." which, although an undercount, at least represents the DOJ's recognition of a crisis.

The DOJ statement cautions that homeless individuals are a diverse population with a wide spectrum of unmet needs that most communities lack the resources to address. It acknowledges that many are forced into homelessness by circumstances "*beyond their control*," a phrase in sad need of meditation by politicians. It continues to be seductive for city councils nationwide to blame the poor for the conditions of poverty. But the obvious result of skyrocketing rents and evictions makes it harder to do so in educated circles.

Boise, Idaho, has two ordinances being challenged by the National Law Center on Homelessness and Poverty. The first is a broad law against camping in public, and the second defines "disorderly conduct" as including lodging or sleeping in any building, structure or place, "whether public or private" without permission.

The legal challenge points out that when Boise's shelters are full, people without homes have no choice but to violate these laws. The U.S. Department of Justice agrees, stating that "when adequate shelter space does not exist, there is no meaningful distinction between the status of being homeless and conduct of sleeping in public."

Are the legal departments in cities nationwide listening? The DOJ states clearly that laws which criminalize involuntary behavior or conditions are in violation of the Eighth Amendment protections against cruel and unusual punishment, making them unconstitutional. But the statement of interest is not law, and *does not carry the weight of law*.

So the crucial question is: Do city officials and their legal departments have to listen to the DOJ ruling? Yes and no, stated one experienced criminal law attorney who described the statement as "legally meaningless." The statement is probably noted by legal departments and legal observers, but there is no mechanism by which such statements affect court cases.

The federal government's 2012 U.S. Interagency Council on Homelessness (USICH) is certainly counted as an effort to steer cities away from criminalization, but the tools for civil rights attorneys have not changed. The political pressure to prettify the streets for shoppers has not changed. *And the experience of people forced to live on the street has not changed.*

Cities such as San Francisco are already responding that *their* laws do not criminalize homelessness, but are a necessary response to maintaining public safety from blocked sidewalks.

The Department of Justice could sue cities with unconstitutional laws. But it might not want to in a political climate in which it is consistently criticized for interfering with states' rights, as it has with the issue of gay marriage.

Berkeley attorney Osha Neumann commented that the Boise case "has been dragging through the courts since 2009 and arises out of arrests of homeless people that began in 2006. It still hasn't been resolved, and we still don't have an opinion we can cite as precedent from a court saying that to arrest homeless people for sleeping outside when there are no shelters is cruel and unusual punishment. We made that argument to federal court when we were fighting the eviction of people who were living on the Albany Bulb and a federal judge was supremely uninterested."

Neumann pointed out that the federal government also has not restored funding for low-income housing, and he confirmed that the Justice Department "could certainly launch an investigation of cities that are criminalizing homelessness and if necessary take enforcement action, including working with the cities to end abuses as they did in Ferguson."

Pattie Wall, the director of Berkeley's Homeless Action Center, agreed that absent the force of law, local police will continue to issue tickets "with or without laws by the force of state violence."

She goes on to note that "Berkeley has been unpersuaded by federal policy on their criminalization of homelessness. The USICH issued a report back in 2012, explaining why criminalization actually erodes efforts to solve homelessness. That same year, Mayor Bates signed on to a US Conference of Mayors statement in support of the USICH report. He nonetheless championed Measure S in 2012, and has been central to the Maio-sponsored new legislation to further criminalize Berkeley's homeless people."

It ought to be good news, but cities and politicians who see their own laws as perfectly fair or even beneficial can continue to use them. Berkeley Councilmember Lori Droste, for instance, thinks that arresting people gets them into recovery programs. Berkeley's council majority thinks there are enough shelter beds, lot of services, and that police contact is just another kind of outreach. In Santa Cruz, people who lay down to sleep get ticketed.

It's a DOJ versus BID smackdown. It's the property-based Business Improvement Districts nationwide who want a Disneyland effect for their commercial districts and the city councils who support them will keep facing off against the Department of Justice's quavering statement of interest about cruel and unusual punishment. If you're on the street, you know who's winning.

Court to Los Angeles: 'Stop Destroying Homeless Belongings'

by Carol Denney

Nine homeless individuals represented by the law office of Carol A. Sobel of Santa Monica just whipped the City of Los Angeles in court. It's a narrow ruling, and it's not a unanimous ruling, but it helps protect homeless and poor people's property, including "medications, legal documents, family photographs, and bicycles that are left momentarily unattended in violation of a municipal ordinance."

The City of Berkeley did this recently to people in Martin Luther King Jr. Civic Center Park. It took only 20 minutes for the police to decide that the personal property of someone who was at a nearby appointment was abandoned and to haul it away.

The severity of the loss can be incalculable for someone whose eviction whittles down their belongings to the smallest, most precious things they have: the tools they use to find work, the papers they need to establish eligibility or the photographs that connect them to family.

Some, but not all, of the belongings were recovered and returned to their owners, but the practice of sweeping up unattended personal belongings as though they were trash has a familiar ring in Berkeley. In the late 1980s, then-mayor (and now state senator) Loni Hancock sent trash compactors up to People's Park for sweeps of homeless people's belongings for instant destruction.

The Department of Justice's recent statement of interest saying laws against involuntary human behavior are cruel and unusual punishment may have little legal weight yet in a courtroom, but this decision by the Ninth Circuit Court of Appeals is a clear rebuke to the City of Los Angeles for trashing the unattended possessions of poor and homeless people and has some modest, if narrow, legal heft.

Los Angeles is enjoined, or prohibited, from "confiscating and summarily destroying unabandoned property in Skid Row" and the court ruling cites the Fourth and 14th Amendments to the Constitution.

The Fourth Amendment to the Constitution seems clear on this matter:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Section 1 of the Fourteenth Amendment also seems clear:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

This is one of the most litigated parts of the Constitution, but the district court states, "We conclude that the Fourth and Fourteenth Amendments protect homeless persons from government seizure and summary destruction of their unabandoned, but momentarily unattended, personal property."

City officials who insist that property confiscation is simply part of their obligation to maintain public health and safety can, according to the court, fulfill that mission without declaring, as Los Angeles attempted to declare, "that the unattended property of homeless persons is uniquely beyond the reach of the Constitution, so that the government may seize and destroy with impunity the worldly possessions of a vulnerable group in our society."

Heaven knows that cities like Berkeley, which is apparently still bent on having a law criminalizing having more than two square feet of property in one's possession at any given time for more than an hour, will continue to try to find creative ways to legally skirt the Fourth and Fourteenth Amendments of the Constitution. The odd myopia that even self-proclaimed progressive cities have regarding their own unconstitutional laws seems as yet to have no end and no cure.

Most of us with an eye on the streets know that when police officers (or the "ambassadors") think nobody is watching, constitutional protections are no match for the well-funded, politically supported, and heavily marketed power of the police, with layers of overlapping jurisdictions capable of destroying the lives of vulnerable people as a matter of policy if so instructed by city councils either overtly or through euphemism and implication.

Many of the destructive sweeps we see in the Bay Area and nationally are considered a routine matter of sanitation by cities which have, in many cases, stopped considering homeless people's rights as even a modest factor in their equation.

Without the drought, for instance, homeless people in many cities would still find themselves and all their belongings thoroughly power-hosed each morning, a practice wistfully missed by the Block by Block patrols and property owners who defended it as *keeping the streets clean*.

But at least a little Constitutional light peeps in the window now and then, illuminating the need for practical, rather than criminal, approaches to a housing crisis that affects us all.

Barriers to Healthcare for the Homeless Community

Many homeless people have no other recourse but to seek medical care at the emergency rooms of county hospitals.

by Kamran Abri

The possibilities for homeless individuals entering the emergency medical system in this country are extremely limited, to the point that anyone who works in the arena of medical services for the underserved is familiar with the predictable difficulties.

Time and time again, we hear stories of people on the streets needing medical services being turned away from emergency departments; being "dumped" onto county hospitals by private entities; or being forced to use hospital emergency rooms as their only source of medical care, whether for significant or routine medical needs.

What we see as a result of these trends is the overburdening of county-based emergency departments, the hemorrhaging of hospital funds, and poor care of the low-income and homeless populations that need the care the most. This begs an important question: are emergency departments, and our laws regarding the treatment of uninsured patients in them, a problem? My belief is that the systemic and economic issues of emergency rooms are not the problem. Instead, they are just the symptoms of a medical system that is still not doing enough.

When it comes to patient treatment in an emergency room, the law of the land is the Emergency Medical Treatment and Active Labor Act, or EMTALA. Hospitals under EMTALA (i.e., any hospital with an emergency department that accepts Medicare payments) are obligated to meet three criteria. First, any person requesting emergency care must at least be medically screened, regardless of financial or insurance status. Second, should an emergency department decide that the individual warrants further treatment, they are required to treat that individual until the issue is resolved or the patient is stabilized. Third, hospitals must transfer patients to a different, more capable facility should they feel they cannot meet the patient's health needs.

To violate EMTALA means that a hospital risks losing the privilege to be reimbursed by the federal government via Medicare. These are the very criteria that make emergency rooms the only viable medical option for many homeless and uninsured persons.

Now, EMTALA and its principles by themselves seem like a logical, compassionate solution to people having sudden, isolated medical events and requiring emergency medical attention. However, our problems arise when we combine this set of laws with a health system designed to shut the uninsured out of primary care for routine needs, forcing them to go to the emergency rooms. These individuals do not just experience a single, extreme medical event that can be resolved through emergency intervention. They have a high number of chronic medical needs as well.

The emergency room visit lands the uninsured individual with a huge bill that they likely cannot pay, thus losing the hospital money, for a condition that could have potentially been addressed months earlier before escalating into a serious medical issue. On the surface, it may appear that the policies surrounding emergency departments and EMTALA are the issues, but the root of the problem lies within our system of insurance and coverage for the underserved.

But surely these issues have been addressed by Obamacare? For many, yes. They are now able to afford basic medical care through government-subsidized plans and through expanded Medicaid, with estimates of the newly covered hovering at over 16 million people. That is 16 million people who now have access to primary medical care, and who are also able to access emergency services and actually pay emergency departments for those services.

The caveat to this success story is the remaining 32 million uninsured Americans who continue to rely on the criteria laid down by EMTALA as a major outlet for medical care. While the system has changed, there are still many, many people who rely on emergency departments as their sole access point to healthcare, which simply should not be happening.

There are many potential solutions to these problems: increased social and financial counseling services at hospitals, changes to the legal language of EMTALA, making Medicare reimbursement to private hospitals contingent upon their acceptance of Medicaid plans, etc. We are also still learning about the effect of the 2010 healthcare reform on emergency departments, and many unknowns remain.

One of the biggest options in terms of solutions is universal healthcare — a model that has proven effective in many flavors in countries like Canada, Britain, Taiwan, and Sweden. This is the only way that we can truly close the gap and end our overreliance on emergency care general as a substandard substitute for comprehensive medical care, closing the gap for the homeless and low-income populations of this country.

However, whatever the solution may be, we cannot ignore this fact: we are currently forcing people to rely on a system of emergency medicine to meet medical needs that the primary care system has been designed to handle. This is a failure of our medical institutions to the uninsured and underserved, and must be addressed as a matter of principle and the achievement of health equality.

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Sources:

Kahntroff J, Watson R. "Refusal of Emergency Care and Patient Dumping." *AMA Journal of Ethics* 11.1 (2009): 49-53.

D'Amore J. "The Epidemiology of the Homeless Population and Its Impact on an Urban Emergency Department." *Academic Emergency Medicine* 8.11 (2001): 1051-055.

Salit, SA, EM Kuhn, and AJ Hartz. "Hospitalization Costs Associated with Homelessness in New York City." *New England Journal of Medicine* 338.24 (1998): 1734-740.

Vila-Rodriguez, F, Et Al. "The Hotel Study: Multimorbidity in a Community Sample Living in Marginal Housing." *American Journal of Psychiatry* 170.12 (2013): 1413-422.

"HEALTH INSURANCE COVERAGE AND THE AFFORDABLE CARE ACT." ASPE.HHS.gov. US Department of Health and Human Services, 5 May 2015.

#HumanizeNotMilitarize

Responses and Resistance to Militarism

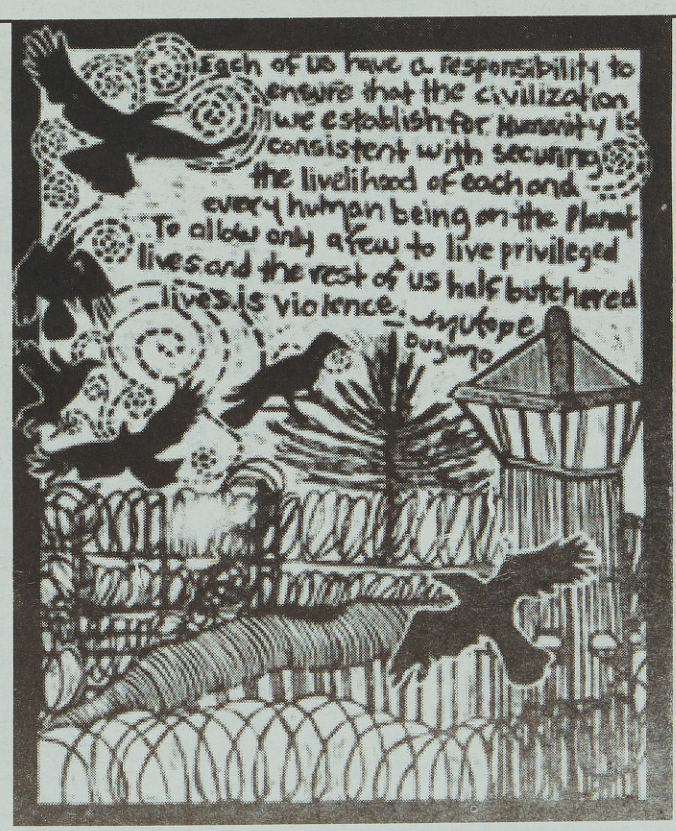
FROM FERGUSON TO GAZA, militarism directly impacts all of our lives. The American Friends Service Committee's new poster art exhibit examines the effects of militarism in both foreign and domestic policy, and highlights alternatives and positive nonviolent solutions.
View the exhibit by appointment, or at one of the public events on September 9 and 26.
Contact: Stephen McNeil, 415-565-0201 ext 12 or smcneil@afsc.org.

September 1-15
The Flight Deck
1540 Broadway, Oakland
(near 12th or 19th St. BART)

September 16-30
The Eric Quezada Center
518 Valencia Street San Francisco
(near 16th street Mission BART)

Wednesday, September 9, 6:30 pm
Screening of *Chicago Confessional*, a film about Chicago police torture with filmmaker Bryan Gibel, in discussion with Gerald Smith of the Oscar Grant Committee
Flight Deck, 1540 Broadway, Oakland

Special Closing Event: September 26, 6:30 pm
Urban Shield: What's Next? Presentations and discussion
518 Valencia Street San Francisco



Art by Annie Banks; words by Mutope Duguma, imprisoned at Pelican Bay State Prison SHU

One Dollar, One Vote: How Big Business Uses BIDs to Subvert Democracy and Take Over Downtowns

by Jess Clarke

Imagine a government where voting power is in direct proportion to the value of the property one owns, where majority ownership gives one the right to appoint the leaders, and where small businesses and homeowners don't have a voice. Imagine a place where people without homes are exiled from the community.

You might think this is still a dystopia to come (after a few more Supreme Court decisions granting corporations ever more rights as persons), but unfortunately, it's already a reality in hundreds of cities across the United States in so-called Business Improvement Districts (BIDs).

BIDs are private corporations governed by business property owners in a particular geographical region. They are chartered by state law and approved by local jurisdictions where they take over many functions once served by local government. Better street cleaning, trash removal, street signage, streetscape improvements, and other maintenance tasks are part of the sales pitch that BIDs make to convince city officials to give them taxing power over commercial property within a district.

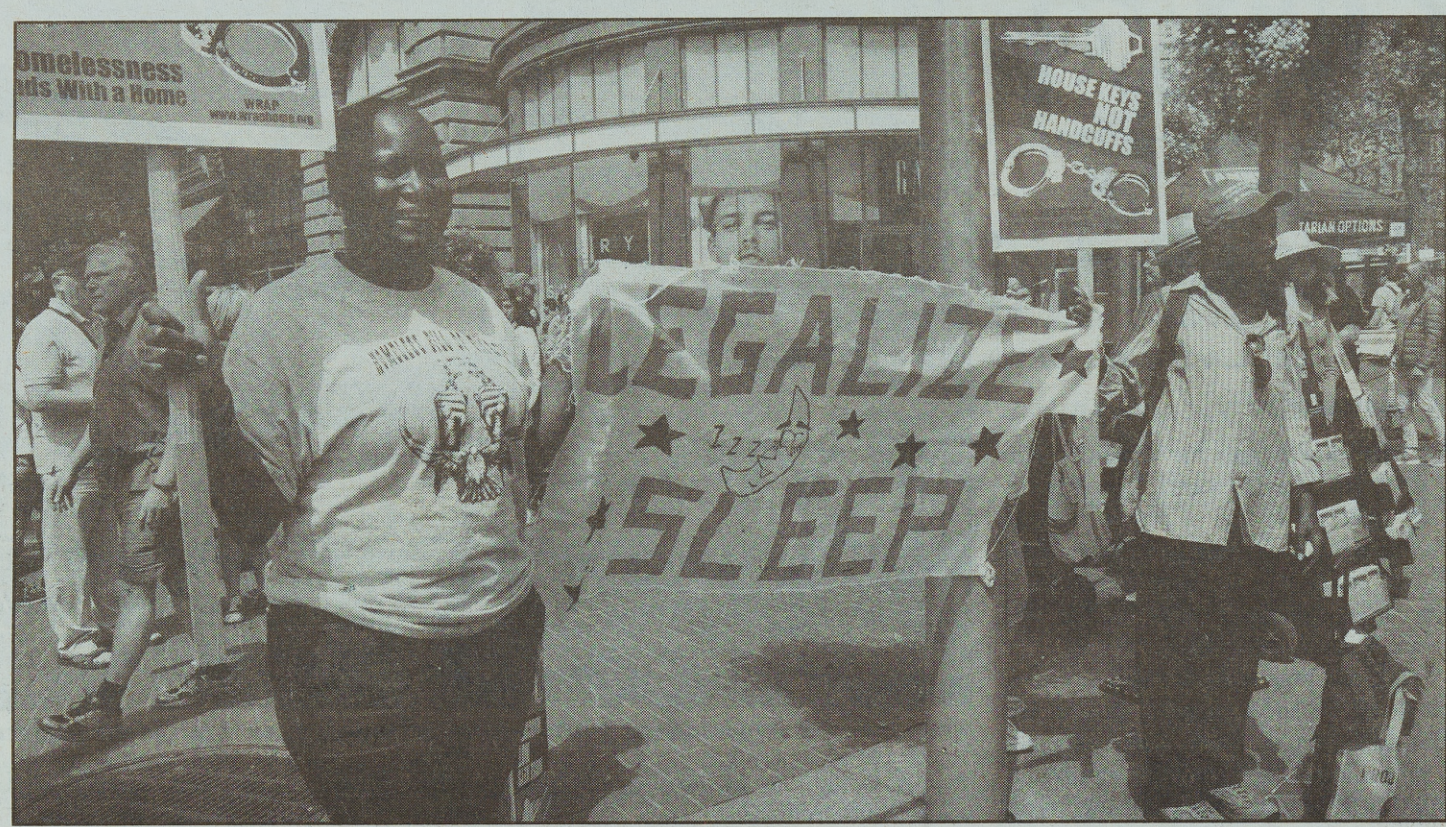
BIDs are also typically empowered to hire poorly trained and poorly paid security guards to push undesirable people out of the area — supposedly the criminal element, but more often poor and homeless people who big business has decided aren't good customers.

Marcus Harris, director of Cities of Refuge in Denver, Colorado, characterizes the approach of BIDs: "According to the Business Improvement District, quality of life is more access to Macy's and all these other shops without having to step around people and deal with human suffering."

The creation of the improvement districts gives the big businesses that already dominate local politics through the Chambers of Commerce and political donations another mechanism for changing city policies to reflect their interests.

Homeless people are the first to feel the brunt of these privatization and gentrification initiatives, but low-income tenants soon discover that they too are being pushed out of these areas.

While incumbent homeowners may be the beneficiary of a brief boom in the value of their homes, new families trying to move from apartments to houses are likely to be driven out into the periphery, further degrading the diversity of our communities.



"Legalize Sleep." **WRAP protests the Union Square Business Improvement District on July 31, 2015.** Janny Castillo photo

"We are back to the days of Jim Crow laws and Anti-Okie laws," says Lisa Marie Alatorre of the San Francisco Coalition on Homelessness. "The BIDs are promoting discriminatory policing practices to simply remove people deemed unwanted from certain parts of town."

Origin and Spread of Business Improvement Districts

The first significant governance by Business Improvement Districts in the United States came in the wake of the governmental collapse in New York City in the 1970s. Grand Central Station and other key mercantile hubs were given over to privatized governance.

BIDs are granted the power to assess commercial property owners within a district with what amounts to a real estate tax, collected on their behalf by the local government. In some cases, they take on the land use planning and capital investments typical of government.

In California, a BID can be created with the support of 51 percent of the business taxpayers in a district, but voting power is based on the tax paid, not the number of businesses in the district.

Even though they are privately managed entities, BIDs control millions of dollars of public tax revenues and expenditures, ranging from $18,000 at the lowest end to over $27 million for the San Francisco Tourism Improvement District. California leads the country in BIDs, with almost 250 districts in downtown and suburban areas throughout the state.

While most BIDs file some sort of report to their city council once a year, research into the actual practice shows that councils are uncritical of plans created by the business-led board of the private BID and rarely if ever overrule them.

BIDs are quickly spreading from state to state and laying the groundwork for ever more direct corporate governance at the municipal level.

According to a 2011 report based on a census conducted by the International Downtown Association and professors Carol Becker and Seth Grossman, there were over 1000 BIDs in the United States and their numbers are growing rapidly.

Grossman, the founder and director of the Rutgers' Institute of Business District Management, told me he sees business districts as improving government accountability by shifting the taxing and spending decisions about a neighborhood to a level closer to those who have a stake in it — the business owners. They act, in effect, as a political action group.

"Prior to the '50 and '60s, the Chamber of Commerce was a political organization," he said. "In fact, almost all elected officials were put forth by the Chamber of Commerce. Business and government were almost hand-in-glove, way more than it is now. Business people, because of suburbia, began to move out of the urban areas... and they couldn't vote and they couldn't run for office. So they lost their political power in town."

'You're Either Customer or Contagion'

In San Francisco, Oakland and Berkeley, the BIDs that control and patrol the downtown city centers have aggressive anti-homeless policies enforced in a joint effort with local police departments.

The City of Berkeley's harassment of homeless people hit new lows in March 2015 when "ambassadors" employed by the Downtown Berkeley Association (DBA) were caught on video assaulting homeless people as the City Council launched a new campaign to criminalize homelessness. In a widely viewed YouTube video taken March 19, 2015, Berkeley ambassadors beat two homeless men after they chased them off the main street and into an alley. [See *Street Spirit*, April 2015.]

Grossman offers his frank opinion of why BIDs aim to move homeless people out of the districts. "It's a customer service district," he said. "So they are concerned about customers. They don't see the homeless people as customers... If they don't see you as a customer you are in trouble... You are either a customer or a contagion."

While granting that BIDs don't represent the whole population, Grossman sees them as an improvement over bribery through campaign contributions. "[If] all they can do is 'pay to play,' then it becomes so self-centered. They don't have any overall community interests. They are just trying to save their own ass or their business."

Grossman sees BIDs as a way of reconnecting business and government. "Aren't they getting the ear of the mayor almost the way the old chambers of commerce did? Chambers of commerce are

See **Big Business and BIDs** *page 7*

Denver BIDs Push for Sleeping Bans and Anti-Panhandling Laws

by Tony Robinson, Allison Sickels and Denver Homeless Out Loud

The Downtown Denver Partnership's (DDP) Business Improvement District is a private organization made up of downtown business owners, which plays a special role in managing, programming and maintaining safety and cleanliness on the 16th Street Mall.

The DDP has long advocated for increased policing of homelessness in the downtown area. For example, the DDP was a lead organization pushing for an aggressive panhandling ordinance in Denver, in pushing to ban all panhandling in a "convention center" zone downtown, and in pushing for the recent Denver camping ban, which illegalizes a homeless person sheltering themselves from the elements in any way.

For years, the DDP has maintained an "Ambassador" program consisting of uniformed downtown ambassadors patrolling up and down the 16th street mall, helping answer the questions of visitors, and also keeping a close eye on what they perceive as unwanted or disorderly behavior. The DDP's annual report notes that the group spent $682,922 on these kind of private "safety" enhancing activities on the 16th Street Mall in 2014.

According to their report: "The Ambassadors provide additional support to the Denver Police Department by focusing on 'quality of life' crimes, such as aggressive panhandling and graffiti, while also serving as liaisons between struggling citizens and social service agencies."

Excerpted from Criminalizing Homelessness in Colorado.

International Downtown Association

The International Downtown Association is coming to San Francisco from Sept 30 to October 2 to spread the gospel of privatizing governance worldwide. Join the Western Regional Advocacy Project and other community organizations to learn more about Business Improvement districts at a panel discussion.

Panel Discussion
October 1, 2015, 2 p.m.
St Anthony Foundation
121 Golden Gate Ave., San Francisco

This Is How Homelessness Happens in Berkeley

Nobody really buys the hype about insanely tall buildings somehow saving the whales or solving the housing crisis. Insanely tall buildings full of luxury housing fill up with insanely wealthy people.

by Carol Denney

Are you paying attention to housing and planning issues? You probably are, or you wouldn't have picked up this publication in the first place. About 75 people who do care piled into the Landmarks Preservation Commission to stop the latest jumbo scoop of brassy luxury housing from being poured on top of a Berkeley city landmark on August 13, 2015. It was both thrilling and sad.

They were there out of a deep concern over a proposed mixed-use development with an 18-story luxury tower, 302 residential units and commercial space on the ground floor. Part of the project would be developed on a city landmark site that includes the historic Hotel Shattuck Plaza. The development at 2211 Harold Way would be called The Residences.

As a community, we looked brilliant. Engineers, architects, a former mayor, former landmarks preservation commissioners, commissioners from other community commissions, respected authors, people who had lengthy backgrounds in historic preservation, and citizens with decades of civic involvement made an impressive case for denying developers a project which distorts almost every planning parameter in existence.

The proposed project would have no low-income housing. Critics contend it would deface the original landmark site, cast shadows in the downtown area and block views of other landmarks, create wind tunnels and inflate rents. The ugly tower would no longer commune with the other landmark buildings nearby in any meaningful way.

It all adds up to 18 stories of profit for the well-connected handful of consultants and developers who can count on Silicon Valley techsters to fill even wildly overpriced condos and penthouses, even if the displaced cinemas are never replaced.

The beautiful souls who read through the zoning application materials, applicant statement, project plans, draft historic context report, geotechnical feasibility report, environmental site assessments, stormwater report, LEED checklist, etc., left the meeting collectively stunned after having spent many months diligently documenting the obvious flaws in the proposal and the even more obvious tricks that were played upon the process to fast-track matters and keep investors' minds at ease.

This is how homelessness happens. Nobody in the room, probably not even the project's threadbare handful of supporters, really buys the hype about insanely tall buildings somehow saving the whales or solving the housing crisis.

Insanely tall buildings full of luxury housing fill up with insanely wealthy people who rarely seem to wonder why a town which once had a thriving black community now looks like a white country club.

The project opponents are not entirely out of ideas to stop the project. The politicians who stacked the commission with people carefully instructed not to stand in the way of this project — no matter how silly it looks — can still come to their senses. What was referred to as "architectural poison" by one speaker doesn't have to be permanently visited on this or any other town.

Berkeley, like other cities in the densely packed Bay Area, doesn't have any more square footage to squander on the wealthy if it ever wants to help the rest of us get out of the rain. Rich people may sprout exponentially out of the tech world or sail in on personal jets from foreign lands, but somebody's got to drive their taxis, teach their kids and pump their coffee drinks.

Square footage is finite, and we hit the breaking point on living in Modesto while trying to work in San Francisco a long time ago. We need planning that respects our architectural heritage, our cultural heritage, our community needs, and politicians who are willing to play fair instead of short-circuit our democracy for personal political gain.

"The Housing Circle of Life." Art by Carol Denney

Big Business and BIDs Subvert Democracy

from page 6

flaccid, but BIDs are exerting more and more political power. They are a public private-partnership."

BIDs LEAD ANTI-POOR CAMPAIGNS

The Downtown Berkeley Association has been doing an aggressive job of organizing for what they see as their collective interest. In mid-March, a package of anti-homeless ordinances backed by the DBA went before the City Council in an underhanded effort to revive the core of the so-called "sit-lie" law that Berkeley community organizations convinced voters to reject just two years earlier.

In that campaign, John Caner, CEO of the DBA, was named in a complaint, eventually sustained by the Fair Political Practices Commission, for campaign finance violations that included paying $5,530 in $100 and $50 cash payments to homeless and formerly homeless "poll workers" and deceiving them into handing out slate cards urging a vote for the measure that would have criminalized them.

Caner's latest attempt to influence the Berkeley City Council to adopt a series of new anti-poor laws has been delayed thus far by street protests and interventions by local faith leaders and other civil rights advocates. But BIDs across the state are maintaining constant pressure to deprive homeless people of human and civil rights.

In Los Angeles, years of successful legal challenges brought by community organizations such as the Los Angeles Community Action Network (LACAN) and legal groups like the ACLU overturned five different sleeping bans and property seizure laws as unconstitutional.

But in June 2015, the L.A. City Council once again passed a set of anti-poor laws targeting homeless people.

And the LAPD is back to business as usual, making sweeps in the Downtown Industrial District Business Improvement District (which is run by the Central City East Association, or CCEA).

CCEA is just one of the many business lobbying groups that is helping itself to local taxing authority in Los Angeles, which now boasts nine BIDs in just the downtown area. Three of them overlap or abut the Skid Row area.

According to Curbed, a news website, LAPD Sergeant Robert Bean told homeless people as he was rousting them, "People pay a lot now to live here, they expect services from the city." And, of course, the service they are looking for is driving the homeless out of their rapidly gentrifying neighborhoods.

Taking people's bedrolls, shopping carts, and tents is only the tip of the iceberg when it comes to police actions. LACAN reported in their 2010 study of increased police presence in Skid Row that the so-called Safer Streets initiative — intense "Broken Windows" street enforcement of minor infractions like vagrancy, drinking, drug possession, etc. — leads to a far greater number of encounters between homeless people and police. An astonishing 54 percent of 200 homeless residents of downtown Los Angeles reported being arrested in the previous year.

And with increased police contact comes the predictable excessive use of force that is now widely reported across the country. For example, in March 2015, the LAPD killed a homeless man in Skid Row — recorded on video tape — when they pursued him into his tent, pulled him out of it and shot him dead in front of numerous onlookers and several cameras.

Two months later, on May 5, the police killed another man in Venice who committed the crime of running from police while homeless.

While Los Angeles Police Chief Charlie Beck and Mayor Eric Garcetti make apologetic gestures in public, the L.A. city government banded together with others in the League of Cities to attack the Homeless Bill of Rights and Right to Rest legislation in the state legislature and coordinates their efforts with the Chamber of Commerce.

RIGHT TO REST BLOCKED BY LEAGUE OF CITIES AND BUSINESS GROUPS

In California, Colorado, and Oregon, where members of the Western Regional Advocacy Project (WRAP) have been running a campaign to win a "Right to Rest" bill in state legislatures, BIDs working through the California Downtown Association and the business-dominated League of Cities associations worked hard to block the legislation.

One of the more absurd arguments put forward by the California League of Cities warns that ensuring that the Bill of Rights applies to homeless and poor people might result in a homeless person claiming protection under the Second Amendment to defend their tent by force of arms. (This argument was made in a letter to the bill's sponsor, State Senator Carol Liu).

In a just society, we should not need enabling legislation to extend the Bill of Rights to poor and homeless people. We should all be protected by all constitutional requirements. In a court case in Boise, Idaho, even the Obama administration's Department of Justice has signed on to a brief stating that the arrests of homeless people for sleeping were prohibited under the 8th Amendment ban on "cruel and unusual punishment."

Community groups continue to fight in the courts, the legislature and in the streets. This month, WRAP and other groups are taking the fight to the business community at the next meeting of the International Downtown Association at a major annual conference in San Francisco, September 30 to October 2. (See the accompanying box.)

Paul Boden, executive director of WRAP, vows to take the fight to the BIDs. "This is about commercializing and applying neoliberal economics to our communities and the only way to stop that is to say, 'hell no, we are fighting back.'"

Shelley Douglass: Living for Peace

from page 1

With her husband, the theologian and peace activist Jim Douglass, Shelley first became deeply involved in the antiwar movement of the 1960s, when she and Jim committed civil disobedience in protest of U.S. war crimes in Vietnam.

From the very beginning, she was equally drawn to the Catholic Worker vision of resisting not only the violence of war, but also the violence of poverty and hunger and homelessness. She devoted most of her waking hours to antiwar organizing in the 1960s, and to anti-nuclear activism in the 1970s and 1980s, yet she kept alive the hope of one day offering sanctuary to poor and homeless people.

This photo was taken two hours before Leroy White was led away to be executed. La Tonya is second from left in the front row (in a black shirt), sitting next to Leroy (in a white shirt). Jim Douglass is at far left and Shelley Douglass is at far right.

Confronting Sexism, Racism and The Violence of Poverty

Her sense of nonviolence extended beyond antiwar actions because she clearly saw the connections between militarism and the other deeply entrenched forms of violence in American life. She wrote, "We believe that violence must be confronted on all levels — in sexism, racism, economic injustice, exploitation of the land."

Her deepening commitment to nonviolence would lead her to create a house of hospitality for homeless families in Alabama, organize against the death penalty, and travel to Iraq to bring medicine to children victimized by U.S. sanctions.

The Pacific Life Community and the Ground Zero Center for Nonviolent Action were founded by a small group of activists who were still recovering from exhaustion and burn-out after years of resistance to the Vietnam War. As the price of their peace activism, they had endured lengthy jail sentences, separations from families, and intensely difficult struggles that led some to despair.

They were still committed to peacemaking, but for these activists, embracing a new political struggle against nuclear weapons meant something far more personal than simply using the methods of Gandhi and King to build a movement. It meant embracing nonviolence as a way of life, trying to make peace on both the outer political level and in their inner personal lives.

Shelley and Jim soon moved next to the Bangor Naval Base near Seattle, where they lived next door to hundreds of nuclear warheads with the explosive power of thousands of Hiroshima bombs. They devoted many years of their lives to resisting the Navy's fleet of Trident nuclear submarines, and their repeated acts of civil disobedience often resulted in months-long jail sentences.

The Rich Get Richer

Although the anti-nuclear movement of the 1970s and 1980s rarely made the connection between militarism and the economic injustice faced by poor people, low-wage workers, and homeless and hungry people in the inner city, Shelley Douglass repeatedly made those connections in the pages of the *Ground Zero* newspaper.

She wrote: "Anyone with eyes to see and ears to hear is well aware that we ignore the poor and suffering, while giving admiration to those who have wealth and power. In our government the same values apply: taxes are cut for the rich; assistance programs are cut from the poor. The rich are enabled to get richer, the poor are forced to get poorer."

Soon, her voice became even more passionate and outraged: "The destruction of creation and its creatures is done in the name of profit, convenience, wealth. The truth is that capitalism is poison, and we are its victims. Dorothy Day was quite clear and prophetic when she said that the fault lies in 'this filthy, rotten system.'"

In "Truth (and) Consequences," an article from the spring of 1990, Shelley told the readers of *Ground Zero* that her path of nonviolence had led to one of the poorest neighborhoods in Birmingham, Alabama. There, she was able to fulfill her desire to create a haven for poor families, a Catholic Worker community called Mary's House.

She lived there with low-income families deprived of housing and the necessities of life by an economic system that has abandoned millions of people to poverty.

Douglass writes about the desperation and hardships faced by her neighbors in a regular column for Pax Christi USA, a prominent peace and justice organization. Jim and Shelley Douglass were recipients of the Pax Christi USA Teacher of Peace Award in 1994, an annual award given to the person who gives outstanding witness to the peace teachings of the church.

In her Pax Christi column, Shelley describes the poverty, racism and deprivation she sees on the streets in Ensley, one of Birmingham's poorest neighborhoods. "Ensley is full of poor and forgotten folks. Our city schools are wretched, our streets are cracking and decaying, we have blocks of boarded-up stores..."

The Ensley area never recovered from the exodus of Birmingham's steel industry years ago, and now is impoverished, deteriorating and abandoned. The people of Ensley are "ignored or written off," she writes, and many people avoid the area as a dangerous, high-crime district. "I have known parents who wouldn't allow their children to come for a work-day at Mary's House, fearing for their safety."

The New Jim Crow

Yet Jim and Shelley Douglass have chosen to live in the poor part of the city for more than 20 years. There are signs of great hope alongside signs of brokenness and despair on the same streets; and it has been an eye-opening experience to see the extent of racism and poverty in present-day Birmingham, a city that experienced some of the worst racial violence in the nation for more than 100 years after the Civil War.

Shelley writes about the staggering extent of injustice and racism that began with slavery and continues to the present.

"In a conspiracy of silence, we ignore the fact that this country, and especially this state, is built on centuries of oppression and exploitation of people with black and brown skin who were kidnapped from their homes and forced to labor as animals to benefit white landowners. We ignore the years of de facto slavery that followed Emancipation; we ignore the structures of racism that continue to define our society, and the way in which people of color and poor people generally are disenfranchised and forced into a shadow caste by voting restrictions and the prison/parole system."

Her reflections on the prison/parole system have been sharpened recently by Michelle Alexander's book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. In her interview with *Street Spirit*, Douglass said that along with the disenfranchisement of black voters and other forms of ongoing discrimination, widespread imprisonment is another tool of racial oppression.

Shelley Douglass said, "*The New Jim Crow* makes the argument that it's a conscious attempt or a semiconscious attempt to keep black people in their place — the same place that white people and the power structure have been trying to keep them in for hundreds of years."

Opposing the Death Penalty

Seeking a nonviolent response to the inequities of the prison system, Shelley became involved in opposing the death penalty. She also began visiting Leroy White, a prisoner on Alabama's death row in the Holman Correctional Facility.

After years of visiting Leroy White and growing closer to him, Jim and Shelley were at his side on his last day on earth, as he was led to a small concrete-block building where they witnessed his execution by lethal injection on Jan. 13, 2011.

In her *Street Spirit* interview, Shelley gives a heartbreaking account of what happens when the state uses its power to murder a prisoner in cold blood. Asked what she thinks of executions after having personally witnessed this death, Shelley said, "I think they're brutal and barbaric and cruel and inhumane."

She once wrote about the paradox of nonviolence: "Nonviolence is a way that often seems to lose when it is in fact winning." That may be the best way to explain the many signs of hope and compassion that took place in the very midst of the seemingly hopeless and bitter struggle to save Leroy White's life.

One such sign of hope was the change of heart by Bruce Gardner, the district attorney who had prosecuted Leroy. Gardner renounced the death penalty in a very public way, calling executions "a barbaric, abhorrent practice" and saying that Leroy should not be executed.

Another sign of hope was that even though Leroy was convicted of murdering his wife Ruby, Ruby's side of the family — which one would have expected to strongly favor his execution — showed the depth of their mercy by advocating clemency.

Another sign was the compassion shown by Jim and Shelley Douglass who visited Leroy on death row for many years and were friends until the end, staying with him all day in his last week in prison.

A Hero of Nonviolence

Above all, there was the unforgettable love shown by La Tonya, the daughter of Leroy and Ruby White. La Tonya lost her mother and rightfully blamed her father for the murder. She might have harbored resentment forever; yet she somehow found a way to forgive Leroy, and formed a beautiful, loving relationship with him. Her love and forgiveness were instrumental in inspiring Ruby's family to also forgive Leroy, and ask for clemency.

If there has ever been a hero of nonviolence, La Tonya is it.

On the last day, La Tonya repeatedly called Alabama's governor to spare her father's life, but he refused to grant clemency. At the very final moment, the U.S. Supreme Court intervened and delayed the execution for two hours while Leroy White was strapped to the gurney. Hope arose again for one brief moment, only to be dashed by the Supreme Court's refusal to spare this man's life.

Sometimes nonviolence does not win. Sometimes nonviolence means to comfort the dying and mourn the dead.

It is so very hard to comprehend this story. Does nonviolence mean standing in support of a man subjected to a terrible miscarriage of justice at almost every level of the criminal justice system, a man put to death in a horrible way? Or does nonviolence mean standing in solidarity with Leroy's wife Ruby, a defenseless woman and mother who was murdered?

And, in the end, is there any hope at all in this story of two terribly sad deaths?

If you read the interview with Shelley Douglass carefully, I believe you'll see that La Tonya got it right. No one on earth suffered the loss of her mother more piercingly than La Tonya. And no one on earth forgave Leroy more deeply than La Tonya.

Somehow, she found the depth of love to respond to Leroy's desire to be her father. She built a relationship with him even behind prison walls. She became a loving daughter. On his last day on earth, La Tonya was fighting against all the odds to save her father's life.

I believe there is great hope in this story. The hope resides in La Tonya. She demonstrated at a nearly inconceivable depth how we may love those who have wronged us. She showed us how we can both love the victim of violence — her mother — and yet find it in our hearts to forgive the one who has taken a life.

On Shelley Douglass's lifelong path of nonviolence and peacemaking, she may have discovered the most beautiful example of nonviolence and love from the daughter of a man imprisoned on death row.

Walking a Lifelong Path of Nonviolence

The *Street Spirit* Interview with Shelley Douglass

People that come to us need homes. They need jobs that pay a decent wage. The basic sort of economic human rights that are recognized around the world are not human rights in the United States.

Shelley and Jim Douglass help organize vigils for peace every week in downtown Birmingham, Alabama.

Interview by Terry Messman

Street Spirit: *You've devoted many years of your life to nonviolent resistance to nuclear weapons. How did you first become involved in the Ground Zero Center for Nonviolent Action?*

Shelley Douglass: The Pacific Life Community was the original group that started the Trident campaign. The crucial thing about it was that the whistle was blown on the Trident by the man that was designing it, Robert Aldridge. Jim and I had met Bob Aldridge when we were in the middle of the Hickham trial in Honolulu. [Jim Douglass, Jim Albertini and Chuck Julie were on trial for an act of civil disobedience at Hickam Air Force Base in protest of the Vietnam War.]

We didn't know very much about Bob Aldridge until he came to visit us at our home in Hedley, British Columbia, several years later. He told us a very moving story about how he had spent his life designing nuclear weapons, and he and his whole family had made the decision that he should resign from his job for reasons of conscience. They had taken a tremendous cut in income. They had 10 kids, and his wife had gone back to work, and the whole family was behind this decision.

After he told us this story, Bob wanted to know if we knew where the Trident was going to be home-ported. We had never even heard of the Trident. He told us it was going to be stationed just below the border. We were living in British Columbia then, just north of the U.S. border and the Trident was going to be home-ported in Washington state, just to the south.

He kind of handed it to us. You know, "Do something about this!" [laughing] And we were all burned-out activists from the Vietnam War. We had gone through a lot of antiwar resistance, families had broken up, and we had not been nonviolent to each other. So none of us in our whole little community of friends were very anxious to be active again.

Spirit: *Given that history of exhaustion and burn-out, what did it mean for you to take up this struggle?*

Douglass: We held a retreat at the Vancouver School of Theology where I was studying, and we decided that we would give it a try, but we would do it by committing ourselves to nonviolence as a way of life. So we would deal with our own sexism, our own economic privilege, our own racism — all the things that we felt had made Trident necessary.

So we decided to make this experiment in nonviolence as a way of life, and the Trident campaign would be the political arm of it. But confronting our own interior Tridents was at least as important as that external political resistance.

The Pacific Life Community was international from the beginning, involving activists from Canada and the U.S., and it very carefully tried to confront issues of sexism and privilege and economic domination as much as learning about Trident.

Spirit: *What did your protests of Trident look like as your campaign began?*

Douglass: We did all kinds of legal demonstrations around Trident. The first action we did was an Independence Day garden planting in July 1975. A few of us climbed a fence into the Trident base and planted a vegetable garden on the security perimeter road, and got arrested for that.

Spirit: *That was one of the very first acts of civil disobedience against Trident?*

Douglass: Yes, that was a small action. We had a whole series of events in Vancouver on Trident Concern Week in November 1975 where the city officials made a statement about the Trident. We did a lot of public education and we had a parade through the city with the "Trident Monster." It was this very enormous sculpture thing that people carried through the city. It was as long as the Trident submarine — two football fields long — and a long line of people carried poles with a black flag tied to it for every one of the submarine's 408 nuclear warheads.

Then in 1976, the "Trident Monster" was brought across the U.S./Canada border and down to the Trident base where we cut the fence and walked the Monster home onto the base. There was a big crowd of people, including a couple hundred people who went through the fence onto the base, including kids who were wanting to be part of it. A bunch of us were arrested and various people went to jail for that action.

Spirit: *Did cutting through the fence at the naval base lead to a longer jail term?*

Douglass: Yeah, we went to jail for that one. I was jailed for three months for that action because we had been on the Trident base. We were arrested and put on buses. When you go to jail for something like that, you don't deny it. Rather, you tell why you did it. I went to jail a bunch of times, but that was my first long time in jail.

Spirit: *What was it like for you to spend your first long sentence in a jail cell?*

Douglass: It was pretty amazing because we formed a community with the women we were with in the King County Jail. There were almost a dozen of us from the Trident campaign who were there in jail. All of our consciousness-raising things we did in the community spread though the jail because we wound up doing them with the other prisoners, as much as we did them with each other. It was very interesting.

Spirit: *What kind of consciousness-raising did you do with the prisoners?*

Douglass: Well, one of the main things the prisoners liked was weather reports.

Spirit: *Weather reports? What kind of weather is there in jail?*

Douglass: It's an old phrase. It means sitting in a circle and telling how you are. We would do that in the morning and the evening, and the other prisoners wanted to take part in it. It became obvious quickly that no one had ever asked them how they were before. We had long sessions of weather reports in the tanks that we were in with all the women, and we built up some community there. It was pretty amazing.

Spirit: *The women in jail responded because someone was actually interested in their feelings and experiences?*

Douglass: Nobody had ever asked them what they were going through before. So the idea that they could sit down and talk about what was going on in their feelings, and share things without hostility or judgment, was a new thing. I don't know where they took it, of course, after we all separated, but it was pretty amazing while it was going on.

Spirit: *You and two other women from Ground Zero, Mary Grondin and Karol Schulkin, did an action on Ash Wednesday in 1983, when you climbed the fence and walked into the Bangor base.*

Douglass: Yeah, we went over the fence right in front of the house where Jim and I lived, which is where the railroad tracks go into the base, and then we walked up the tracks.

Spirit: *Didn't you leave photos of the victims of atomic bombs in Hiroshima and Nagasaki all along the tracks as you walked into the base?*

Douglass: Yes, we had some signs with the pictures on them and we walked up the tracks and prayed. We passed various people. We passed a school bus and all the kids were watching us, but we weren't stopped until we got quite far into the base. We didn't reach the weapons storage area; that was a long ways away, but we got fairly far in.

Spirit: *Eventually you were arrested, and sentenced to jail for 60 days. Why was it worth going to jail to walk up those railroad tracks on Ash Wednesday?*

Douglass: Well, those were *the* tracks. All the weapons came into the base on those tracks. The missile motors with the solid fuel propellant which sends the missiles into the air came in on those tracks. So did the White Train with the nuclear weapons. If we had walked all the way to the end of the tracks we would have wound up at the storage area for the nuclear weapons.

Spirit: *By leaving photos of the atomic bomb victims along the tracks, were you saying in essence that this is what happens when this train reaches its destination? The final destination is a holocaust?*

Douglass: Right, we were trying to raise consciousness among the people on the base. You know, in one sense they're well aware of what it was all about; but in another sense, they didn't want to think about it. So it's still important to raise awareness about that issue.

Spirit: *Were you able to use your trial to raise public awareness about the destructive threat of nuclear weapons?*

Douglass: We had a good trial. Mary Kaufman, who was a lawyer and prosecutor at the Nuremberg war crime trials, came as part of our defense. So we had three women defendants and we had Mary Kaufman as one of our witnesses. She was very powerful in talking about what those nuclear weapons could do and why they were against international law. Mary was a very erudite speaker. She was a person who could put all kinds of law into very succinct paragraphs, which was good because she didn't have much time in court.

Spirit: *There is so much historic significance in having a Nuremberg prosecutor testify at your trial. What did she say about how nuclear weapons violate international law in light of the Nuremberg principles regarding war crimes?*

Douglass: She basically said that these weapons violate international law and that, because of the Nuremberg principles, it's no longer a defense to say that you are part of the military or that you are just doing your job. She said that international law is more important.

Mary said that the U.S. has signed conventions and treaties saying that we should disarm and that we would not use nuclear weapons first, even though Trident is a first-strike weapon. And those laws are all higher than any national or local law, so if you break a law like a trespass law, which is what we broke, to try and stop the greater evil from happening, you're justified in doing that.

As a Nuremberg prosecutor, she said she prosecuted people who did things for Nazi Germany that had the same kind of results that the use of a Trident weapon would have. And were there to be such a

See **Lifelong Path of Nonviolence** *page 10*

A Lifelong Path of Nonviolence

from page 9

trial again, she would be prosecuting people from the Trident base for crimes against international law.

Spirit: *Looking back at Ground Zero's years of resistance to Trident and nuclear weapons, what were the enduring accomplishments of that campaign?*

Douglass: Well, of course, the campaign still goes on, so Ground Zero itself is an enduring accomplishment. I think one of the major things that came out of that campaign is the sense that we're all one and we're all in this together.

The campaign was started by the person who designed the Trident missile. We worked always with people on the base who were helping us in sort of surreptitious ways to get our leaflets out or whatever. There were a number of workers who left the base, some of them in very moving ways, because they had decided that they couldn't do this any longer.

Spirit: *What do you mean by saying that some left in "very moving ways?*

Douglass: There was a guy named Derald Thompson who was not only in the Navy, but was on a Trident submarine. He was a Catholic layman and one of the things he did when they were at sea was he would give the Catholic crew members communion. The communion wafers that were consecrated were kept in the same safe on the submarine as the key that would turn the lock that would fire the missile.

Spirit: *That's unbelievable. The central sacrament of faith kept in the same safe with a key that could incinerate millions. What impact did that have on him?*

Douglass: It was a process of years of discussions and prayer and thought on his part. And one day he made the connection that here was the key and here was the Eucharist and he couldn't do that anymore. He resigned, left the Navy, and took a long time to find another job. It was just very moving to see somebody make that huge step because of realizing the absolute contrast between life and death.

Spirit: *Yes. The keys to life and the keys to a holocaust that could end all life.*

Douglass: Exactly. So, for me, those kinds of things were actually more moving than the civil disobedience, although I love doing civil disobedience.

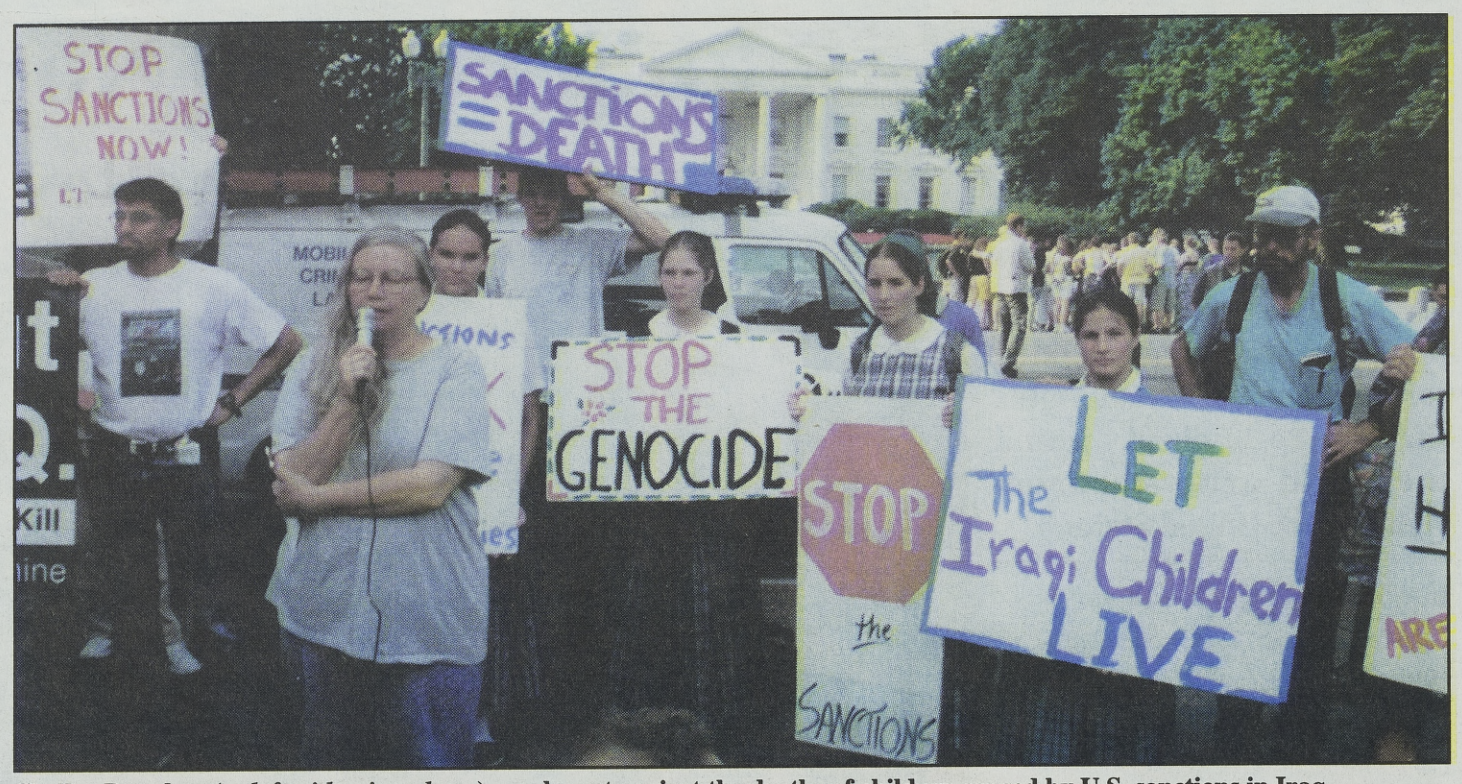
Spirit: *What else was of lasting significance? What was most memorable from your work at the Ground Zero Center?*

Douglass: I think the ongoing relationships built with people in the county. Also, the commitment to civil disobedience, and the use of international law as a way of trying to call people to account. Those are all important. The campaign was a Gandhian campaign and still is, so the long commitment to nonviolence and to trying to listen to the other side — those are all really important things.

Spirit: *What were the toughest times or the most troubling moments during the campaign against Trident?*

Douglass: Well, the White Train action when everybody kind of went bananas and went running onto the tracks.

Ground Zero was part of a community called the Agape Community that stretched from Amarillo, Texas, where the bombs are assembled, all along the railroad tracks to Bangor, where the bombs were put in storage. Our community had a very specific way of doing actions, partly because the train was dangerous. Not only is a moving train dangerous, but that one came with very heavily armed security who had orders to shoot if they thought anybody was endangering the shipment.



Shelley Douglass (*at left with microphone*) speaks out against the deaths of children caused by U.S. sanctions in Iraq.

So we had a very specific discipline that we used in Agape Community demonstrations and not all of the communities, especially around the Seattle area, wanted to use that discipline.

Spirit: *You're talking about the code of conduct taught in the nonviolence trainings that guided direct action in most of the anti-nuclear movement?*

Douglass: Right, and we had a number of meetings with different groups who agreed that only those trained for civil disobedience would sit on the tracks to stop the train. The rest of the people would stay back out of the way and support them, but not get in the way of the train.

We had a number of meetings where we thought we had hammered out a common discipline that everybody could agree to, and when that particular train came, it turned out that people had not agreed interiorly to the discipline. It was a very dangerous situation because people began to run at the train from all along the tracks. Now, imagine a train stretched out down the tracks and a large crowd that's running toward the train. The people actually most at risk were the sheriff's deputies, because they were between the train and the crowd, and on the train were the heavily armed security people.

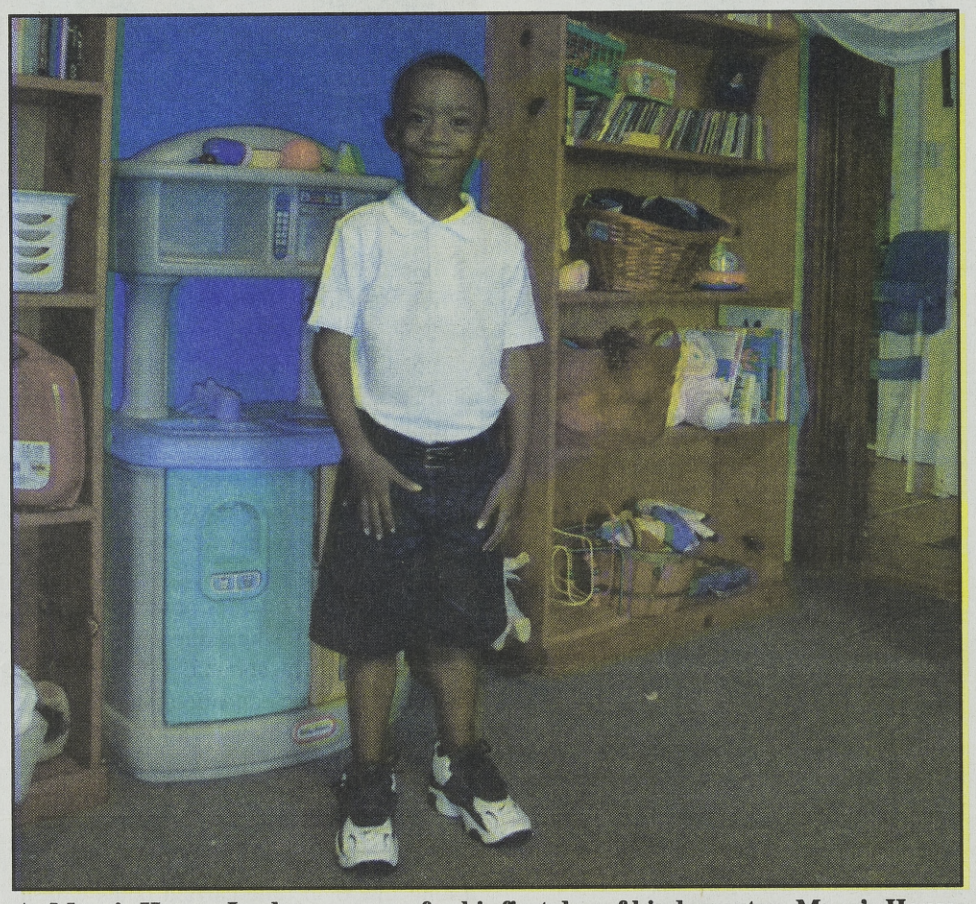
Spirit: *Were you concerned that the sheriffs or demonstrators could have been jostled into the path of the train?*

Douglass: Yeah, well there were two things that could have happened. They were trying to keep the crowd away from the train as much to protect them from the guards as from the train itself. But with the crowd running forward and kind of berserk, the deputies were in danger of being pushed under the train. It was just a very chaotic kind of situation and one that we had not expected because we thought we'd made an agreement.

So we thought that was a major failure on our part. We published an issue of our Ground Zero newspaper kind of self-critiquing what had happened. Jim went to jail for that action and he actually plead guilty because he was trying to help take responsibility for what went wrong. So he served some jail time on that one as a result of the guilty plea.

Spirit: *These kinds of breakdowns in nonviolence have taken place in many campaigns, even in campaigns led by Gandhi and Martin Luther King. Did Ground Zero redouble its commitment to having clear agreements about nonviolence?*

Douglass: Yeah, and we published that issue of the paper. It was not a popular thing to do because we mail the paper out to everybody. So we were admitting in public that we had had this fiasco and that we had not done well and that not everyone had lived up to the agreement and we had to try to do it better the next time.



At Mary's House, Jayden prepares for his first day of kindergarten. Mary's House offers a stable home for families seeking employment and permanent housing.

We actually worked closely with the sheriff on the next one trying to keep the deputies safe, as well as everybody else, and we worked more closely with the sheriff than the base did [laughs]. So when the next train came, it was stopped and that's the one shown in the video, "The Arms Race Within."

[*Editor:* "The Arms Race Within," a film directed by Kell Kearns and shown at the Dallas 2005 Peace Film Festival, shows Ground Zero planning for civil disobedience as the White Train came into the Bangor base in February 1985. The film shows hundreds vigiling and dozens being arrested in what the documentary described as "a triumph of nonviolence."]

Spirit: *Ground Zero went on to organize many other nonviolent actions, so it may have shaken things up when people didn't adhere to nonviolence, yet it didn't mean the end of your campaign.*

Douglass: Oh no, and it helped us clarify how to do things and what was important. It intensified the ties we had already been building in the county because people respected the fact that we said that was a mistake, instead of trying to pretend it went well or justify it somehow.

Spirit: *What happened at the next major action when activists blocked the White Train in February 1985?*

Douglass: The train was stopped, the people were arrested and the discipline was maintained. But when that case came to trial, people were charged with conspiracy as well as with blocking a lawfully operated train. When testimony began, they discovered that the sheriff had been part of the conspiracy so they had to drop the conspiracy part of the charges. [laughs] And then people were acquitted.

That was, I believe, the first acquittal that we had and nobody was convicted for, like, 20 years after that action. There were no convictions after that acquittal in 1985, up until about 20 years later. The process is very different now, with people allowed to put on their defenses.

One very big exception, of course, is the Plowshares action that five of our friends did at the base, which brought heavy charges and jail time.

[*Editor:* On March 28, 2011, Stephen Kelly and Susan Crane were sentenced to 15 months in prison, Lynne Greenwald to six months, Jesuit Father Bill "Bix" Bichsel to three months, and Sister Anne Montgomery to two months after a federal jury convicted them of conspiracy, trespass and destruction of government property for cutting through fences at the Trident base.]

Spirit: *So for 20 years, no one was convicted even though you kept doing civil disobedience at the Trident base?*

Douglass: We did, yeah, and for a long time they were not convicted. And eventually they stopped charging.

Spirit: *That's an amazing accomplishment. Were charges dropped or were people found not guilty?*

See **Lifelong Path of Nonviolence** *page 11*

A Lifelong Path of Nonviolence

from page 10

Douglass: There are two things. One is the sort of reasons the jurors gave, which ranged all over the map. One woman said, "Well, I call the police to arrest trespassers on my beach and they didn't do it and why would they arrest these people on the tracks." Other people said, "These folks (anti-nuclear protesters) shouldn't be arrested because what they're doing is the right thing." It varied a lot.

Spirit: *You once wrote that resistance to nuclear weapons had to be deep enough to address the societal causes of the arms race, including "our system's exploitation of people for profit, the oppression of people based on their race, age or sex." How is the arms race linked to economic injustice, and to racism, ageism and sexism?*

Douglass: Well, the simplest way, the way we used to put it in our slideshow at the time, was that something like six percent of the world's population controlled 40 percent of the world's resources — way out of our share. And the whole point of the arms race is to protect what we have that really isn't justifiably ours.

So we're part of an empire which claims the right to not only rule the world, but to *use* the world. As long as we remain complicit with that, then to that extent we're complicit with weapons like the Trident. So we were trying as much as possible to be conscious of where we were complicit and to withdraw our cooperation as much as we could.

That was why we adopted very simple lifestyles and lived communally. You know, all the sorts of things that people do when they're trying not to live heavy on the earth, knowing that you can never be totally outside of the system. We're all part of that system.

Spirit: *After all these years of resistance to war, nuclear weapons and poverty, what does nonviolence now mean to you?*

Douglass: What it means to me is our recognition that we're all one and that any evil that we're involved in as humanity, I'm involved in too. And also in any good, we're all involved in that. We can make a choice in the way we live that either strengthens or weakens the good or the evil. So nonviolence is about being part of a world community by choice. The changes begin in us and then they spread.

So the kinds of civil disobedience we did at the Trident base that people are still doing are ways of using that power of taking responsibility and calling other people to join. We are trying to live simply and to resist as much as possible in our lives the economic violence that goes on all the time, and the racism that goes on.

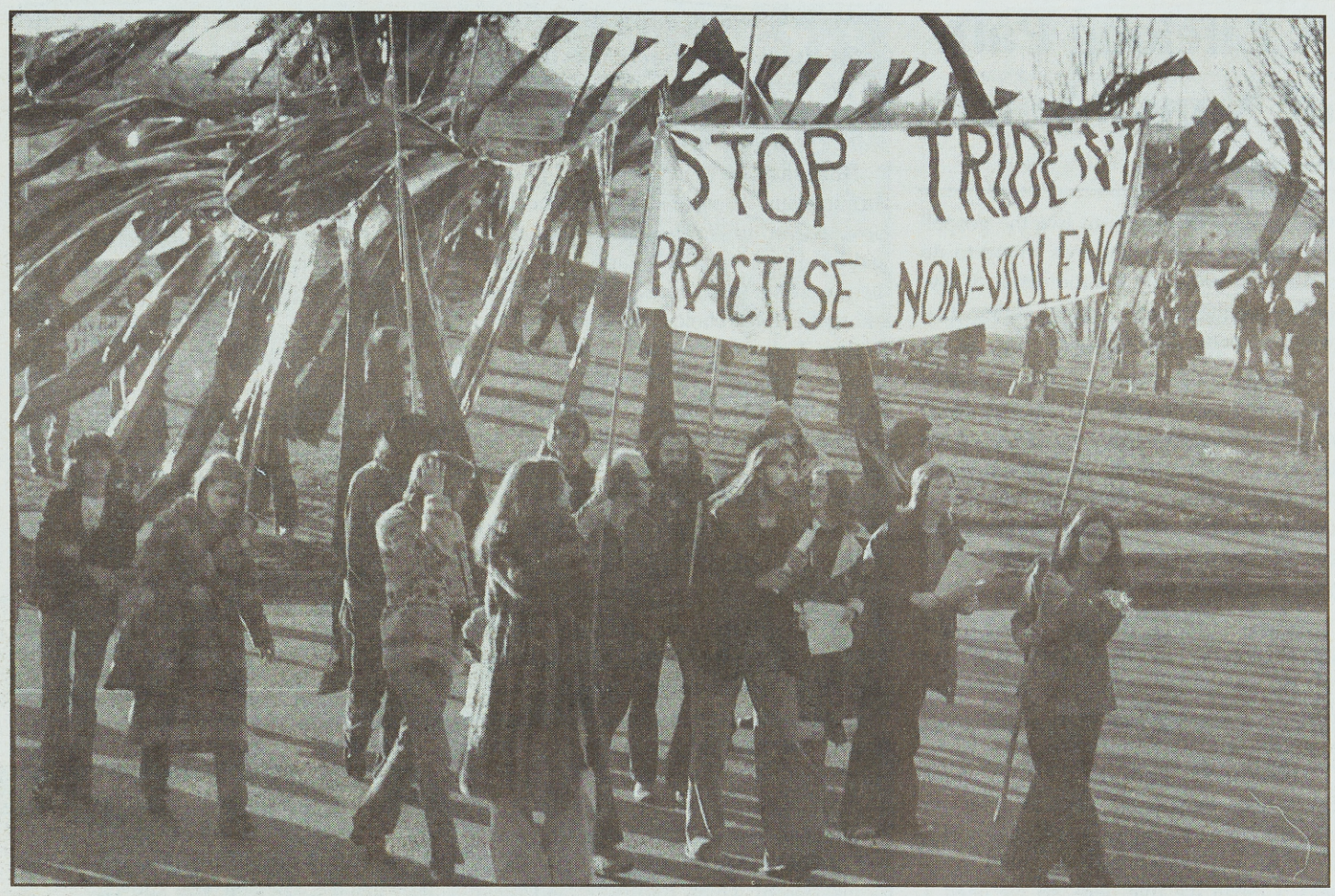
Spirit: *How is nonviolence related to love for others and to reverence for life?*

Douglass: Well, I make a big difference between *love* and *like* [laughs] and I understand love as wanting what is best for the other. That is what I think we're called to do. That doesn't mean we have to feel warm and snuggly about everybody, but it does mean we have to make the best decisions we can for everybody's welfare.

It's the same kind of underlying faith that we are all one — however unlikely that may seem to us at any point — and we have to recognize that, whether or not we're feeling it at a particular time.

Nonviolence is reverence for life. Wanting the best for the other person implies that we hold them in reverence.

We're in the Catholic church now — however much we disagree with parts of it — and one of the most basic teachings in that church and all Christian churches is that human beings are created in the image of God. Therefore, just because we're alive and human, we're sacred and to be respected. We try and do that as much as we can. To me, it means not using more than our fair share of resources, sharing what we have, trying to work for peace.



Anti-nuclear demonstrators parade the "Trident Monster" through the streets of downtown Vancouver, British Columbia.

STARTING THE CATHOLIC WORKER

Spirit: *Do you recall what led you to become involved with the Catholic Worker, and to work with poor people?*

Douglass: Well, I think of the quote, "When I was hungry you fed me." ["For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in." — Matthew 25:35]

When I was a kid, I came from a CIA family, and we lived overseas a good part of my growing-up years. At one point, we switched churches with every country, so we always went where they spoke English and they were always different denominations. [laughs] My mom and dad gave me the scriptures and said you should read this and do what it says and you'll be OK, whatever church you go to. Being a literalist and a kid, I read it and I couldn't figure out why we weren't doing what Jesus said, which was to share what we had with poor people and to feed the hungry, clothe the naked, visit the prisoner and all of that.

I spent a good part of my childhood trying to figure that out with my mom. It wasn't until I ran into the Catholic Worker, when I became a Catholic in college, that I realized there were other people who thought that Jesus meant what he said. So for me, the initial inspiration was reading these things in the scripture and being told by my parents, who worked for the CIA, that I should be doing them, and then finding later on that other people thought that and actually did do it.

Spirit: *In writing about economic justice, you have written about the Biblical teaching that we cannot simultaneously love both God and money.*

Douglass: You have a choice about the love of God and the love of money. You can keep what you have for yourself or you can share it with other people. I think which one you do has a lot to do with what you're serving or who you're serving.

Spirit: *The whole U.S. economy is based on accumulating money and holding it tight, while the Catholic Worker is based on sharing with others. It's the mirror opposite of capitalism in that way.*

Douglass: In the Catholic Worker, the whole point is to share what we have with other people, but also to help people who don't live in the Catholic Worker share what they have. At Mary's House, I'm the only person who lives there to run it, but there's a huge community of people from all over the country who help keep it going because they share some of their substance to pay our bills, to buy diapers, to do whatever. And in my understanding, that's how God supports something.

If what you're doing is in the context of God's will, then you are supported somehow. That's a promise from scripture too. But it isn't like a bag of gold pieces arrives in your lap from an angel. Instead, you find a check in the mail from somebody in Seattle or somebody down the street in Birmingham. That's how it arrives.

Spirit: *In his interview, Jim said that you had felt a desire to start a Catholic Worker for many, many years?*

Douglass: Yes. I lived in Casa Maria in Milwaukee for three or four months in 1970, and for me that was kind of an eye-opening experience. Casa Maria is one of the bigger Catholic Workers and was very active then in resistance to the Vietnam War and running a soup kitchen where we fed a couple of hundred people a day. It put out a very good paper, and offered hospitality to families in three or four houses.

So that was kind of a transformational sort of thing for me. I'd always read about the Worker up to that point, but I had never experienced it. I always thought that was something I would really feel called to do, but when you're doing resistance and going to jail all the time, it's not something you can do at the same time.

Spirit: *Can you describe how you were influenced by Dorothy Day, the founder of the Catholic Worker movement?*

Douglass: Sure. The first effect was when I was a college student 18 years old and I walked into St. Paul's University Chapel and picked up the *Catholic Worker* newspaper and realized for the first time that other people thought Jesus meant what he said. That was a revelation.

I was immediately a faithful reader of the *Catholic Worker* and did what we could as students to live that lifestyle and support it. Dorothy Day is such an incredibly good writer. I love good writing, so I don't know how many times I've read *The Long Loneliness*. It's right up there with *Lord of the Rings*. [laughs]

She just seemed to me to be writing the gospel, saying something that I knew inside was true. So that was very inspiring that people were actually *doing* this. Somebody was really doing this and had been doing it for years. It just helped me to figure out what to do with my life. And the more people you meet in the Catholic Worker, you find they're all incredible.

Spirit: *Incredible in what ways?*

Douglass: By and large, the people I know in the Catholic Worker are just very clear about what is important and what needs to be done. They're very committed and dedicated and great fun, almost always a good sense of humor and very creative. They're just sort of amazing people.

At the end of *The Long Loneliness*, Dorothy Day writes that we've all experienced the long loneliness and she's saying the cure for the long loneliness is community, and love and community come together. She talks about how the Catholic Worker all started. She writes that we were all sitting around talking and people came and people needed a place to live, and it all started while we were sitting around talking, which is basically how everything starts at the Catholic Worker.

NOT ONLY PEACE, BUT JUSTICE TOO

Spirit: *The Catholic Worker is one of the few groups that integrates working for peace and working for justice. Why did they make the connection between protesting militarism and being in solidarity with people living in poverty?*

Douglass: Because it's directly out of the gospel. You know, as a kid I thought Jesus meant what he said and Dorothy Day thought the same thing. And basically, when I went to the big sophisticated theology school in Vancouver, they said exactly the same thing.

In those days, it was fashionable to try and figure out which of the scriptural things Jesus probably actually said, and one of the criteria was to find the things that nobody would want to do — and those are the things he probably really said. [laughs] So, sell all you have and give to the poor and come follow me, love your enemy, put down your sword, visit the prisoner, give your clothes to the naked, feed the hungry...

Spirit: *Blessed are the peacemakers and those who hunger and thirst for justice.*

Douglass: Right, exactly, and if you're persecuted, more power to you. [laughs]

Spirit: *Because the prophets before you were persecuted.*

Douglass: Yeah, exactly, to say nothing of Jesus, of course. So that's the gospel in a nutshell and the whole point of

See **Lifelong Path of Nonviolence** *page 12*

A Lifelong Path of Nonviolence

from page 11

the Catholic Worker is to live the gospel. So it isn't really a sense of trying to do something political; it's the sense of trying to live the gospel. And, of course, that winds up being very political.

Spirit: *So working against war and injustice is radically political, yet it stems from the gospel teachings of "blessed are the peacemakers" and "feed the hungry."*

Douglass: And "love your enemy." I mean, "blessed are the peacemakers" you can take a lot of different ways, but "love your enemy" is pretty specific.

Spirit: *Catholic Workers often protest wars overseas, but also serve poor and hungry people on the streets of our own cities. Is that a message to the larger community — that we're called to do both?*

Douglass: Well, we certainly are called to do both, and I don't see how you can talk about having a just and peaceful world if you're only talking about overseas. I mean we live here, so we need a just and peaceful world here too.

Spirit: *Speaking of a just world at home, what level of poverty do you find in Alabama? What are the needs of the people that come to your door seeking help?*

Douglass: People that come to us need homes; they need jobs that pay a decent wage; they need decent public transportation; and they need education for their kids. The basic sort of economic human rights that are recognized around the world are not human rights in the United States.

Here in Alabama, we're a poor state and we have this huge legacy of very obvious racism and it's gone on for hundreds of years. The whole country has that legacy, but in the Deep South, you're sitting right in the middle of it. And right now our state legislature is totally controlled by the Republican Party and is very busily trying to curtail the right to vote — just as we celebrate the 50th anniversary of the Selma March.

You know, they are trying to cut back on any services to poor and vulnerable people because they don't want to raise taxes. It's the same thing that's going on all over the country, but I think it's particularly potent in the South and in Alabama.

Spirit: *What methods are Republicans using to curtail voting rights?*

Douglass: Well, we have voter ID requirements now. If you want to vote, you have to have an ID card, and a lot of people don't have IDs. A lot of people in the rural South don't drive. A lot of people are elderly or they don't have transportation. It's hard to go out and get a driver's license or a state ID because you don't have any way to get there, and all of these things cost money. If you already choose between paying your rent or buying medicine, you're not likely to shell out another $20 or $30 for an ID card.

For people who are poor, it just adds another rung to the ladder that you have to climb to be able to have a voice. And so many of the black men in our community are in prison. They're often in prison for nonviolent crimes, but they're still felonies, which means they lose their right to vote.

Spirit: *A massive disenfranchisement on top of massive imprisonment.*

Douglass: Yeah, it's a huge thing. This book by Michelle Alexander called *The New Jim Crow* makes the argument that it's a conscious attempt or a semiconscious attempt to keep black people in their place — the same place that white people and the power structure have been trying to keep them in for hundreds of years.

Mary's House in Birmingham

Spirit: *You described how you first became inspired by the Catholic Worker while in college. How did you begin Mary's House in Birmingham?*

Douglass: When we moved here to Birmingham, we were sort of delegated by Ground Zero to watch trains, but after we had been here for two years we realized there were no more trains to watch. So we had to make the choice: Do we go back to Ground Zero, or do we stay here, and if we stay here, what are we here for?

So that just kind of fit in with my always having wanted to do a Catholic Worker. So we decided that we would do a Catholic Worker, even though we had no money. I mean, you never have any money when you start a Catholic Worker.

Spirit: *Dorothy Day described one of the primary missions of the Catholic Worker as providing houses of hospitality. Does Mary's House offer hospitality?*

Douglass: Well, physically, Mary's House is a big old house, kind of like many Catholic Worker houses. It was built in 1920 in the Ensley area of Birmingham, which used to be a big steel and brickmaking area. It's got four bedrooms, one of which I sleep in, and three of them we use as hospitality, primarily for families or single women. People come and stay while they get on their feet. It's kind of like a big family house.

Spirit: *Do you seek out other services in the community and connect your residents with these sources of help?*

Douglass: Yes, we've been open for quite a long time now so we have some good ties with various services. There's a Methodist group that has a place called Urban Ministries and their social workers work with us a lot. The people who are staying with us can go to them to get connected with various kinds of services, help paying bills and food and places to live.

There aren't enough places to live, so it's difficult and time-consuming to find a place that you can afford to live. But we do have a lot of community support. Financially we are totally dependent on the community. Everything is done by donations and by volunteers. Nobody gets paid.

Spirit: *Do any of the churches in Birmingham get involved or provide help?*

Douglass: A couple of parishes give us regular money and a lot of people from churches give us money. Also, we have work parties. And there's a Catholic thing called JustFaith Ministries. It's a nationwide series of courses that parishes do on social justice teachings of the church and they always get radicalized when they do it. It's wonderful. We have a lot of ties with people who have gone through that program. And we have a lot of Methodist ties, Methodist coworkers and friends. It's a community endeavor, even though we're the people who are physically here all the time.

Opposing the Death Penalty

Spirit: *You became involved in opposing the death penalty and also began visiting a prisoner on death row. Why are you opposed to the death penalty?*

Douglass: We've always been against the death penalty, theoretically. It goes with the territory: We don't believe in killing people. We started out being opposed to the death penalty on a kind of theoretical level because we're committed to nonviolence. And clearly, the death penalty is a rather final use of violence on the part of the state. Then, from a religious perspective, we believe that Jesus meant what he said, which is that you love your enemy and you forgive, and you don't take vengeance. So those two things meant that we were against the death penalty.

Spirit: *Wasn't Jesus himself a victim of the death penalty?*

Douglass: Well, he definitely was. He was a political prisoner who was executed to discourage any kind of rebellion against the Romans.

Spirit: *You'd think the fact that the central figure in Christianity was executed might give our government the idea that the death penalty is the wrong way to go.*

Douglass: I think the state might still think it's the way to go, but it might give us Christians the idea that it's not the way to go. If Jesus were executed today, he might be put in the electric chair or it might be lethal injection. Then, instead of wearing crosses around our necks, we'd be wearing syringes or electric chairs.

Spirit: *Yes, people forget that the cross was the state's instrument of execution.*

Douglass: Right — for political subversives especially.

Spirit: *When did the death penalty become something more personal to you than just one more political issue?*

Douglass: It wasn't until we got to know Leroy White personally, as a human being, that we were kind of moved in our gut to take more action against it. It's a whole different thing when it's an issue and when it's a person, you know?

Spirit: *So with Leroy White, it became a person you knew and cared about?*

Douglass: Right, and who had a big family outside of prison who were tremendously affected by what happened to him.

What actually led up to our working personally against the death penalty here in Alabama was that we got a letter from Hattie Nestle, an activist friend of ours in Massachusetts, saying that she was corresponding with a prisoner down here on death row. She said he hadn't had visitors in five or 10 years and could we go and visit him. She didn't realize how big Alabama is. It's four or five hours travel to the death row prison, so it wasn't like we were just going to hop on down there. But I started to write to Leroy White, who was her friend, and after a year or two of writing to him, I decided that I would visit.

Spirit: *Where was Leroy White confined? What prison and in what city?*

Douglass: He was in Atmore Prison, which is where most of our death row prisoners are and it's just slightly north of Mobile, Alabama. [Holman Correctional Facility is located near the town of Atmore in southern Alabama.] It would take four hours to drive down and we would visit for a couple hours, then I'd turn around and drive back. After I'd done that for a couple years, Jim started coming too, so for a long time the two of us went.

Spirit: *Why did it become so important that you kept visiting him for several years? His case was nearly hopeless and the death penalty was not likely to be reversed. Some might have found it hard to keep visiting under those conditions.*

Douglass: It was important because here was this person who was totally isolated, waiting for them to kill him, sitting in a brutal prison. Nobody was in touch with him. Nobody seemed to care. Once you meet somebody like that, it becomes personal and you want to continue to support him. And we built a relationship.

It wasn't a really easy relationship to build because, to start with, we didn't have a lot in common. It was good when Jim went because they could talk sports, but I don't know anything about sports so I didn't have that to fall back on. We would talk about our kids and that sort of thing.

But it was a difficult thing, especially early on, because Leroy told us what he was in for. He had killed his wife and, being who I am, that's the person I'm least likely to relate to. This is where you get challenged in your nonviolence and all that, because that's the person I'm least likely to want to be friends with.

Spirit: *He killed his wife with a shotgun and also shot her sister, didn't he?*

Douglass: Shot her sister, but didn't kill her. He was berserk on drugs and alcohol and his little daughter was there when he did it and his stepson was in the house, nearby. So you know, it was about as horrible as you can imagine.

Spirit: *So why did you continue to care about him? Why did you drive all those miles to visit for all those years?*

Douglass: Well, we knew that that wasn't all there was to Leroy.

Spirit: *What else was there to understand about Leroy?*

Douglass: Like all of us, Leroy was a complex person. He'd had a rural Alabama childhood, a southern childhood. Depending on your cultural background, I guess you could say he was abused as a child. He came from a very big family, then had gone into the military. He had actually lived in Seattle not far from where we had lived, and he had some mental problems that I think led him to be violent.

He was dismissed from the military because he attacked his commanding officer and they discharged him dishonorably instead of trying to get him any help.

Then he went to college and met Ruby and married her, and all of that time he was doing drugs pretty heavily. I think when we first met him in prison, he was still using drugs in the prison, which of course is not that hard to do. But over those years that we were visiting, he began to come to terms with what he had done, and to try and build a relationship with La Tonya, his daughter.

He became a part of a community of men inside the prison who are part of a group called Project Hope to Abolish the Death Penalty. It's an inside group working against the death penalty. So he deepened a lot in his self-knowledge, I think. He understood more about himself.

You know, you age and die on death row if they don't electrocute you or murder you in some other way. One of the men there had a stroke and was incontinent and had to be taken care of, and, of course, there's no nursing service or anything. So Leroy was one of the major caregivers for this man. Yeah, Leroy was never an angel, but he became a very compassionate person.

Spirit: *Still, it must have been hard for you, both as a feminist and as someone so deeply committed to nonviolence, to comprehend his murder of an unarmed woman. How were you able to continue visiting and supporting him?*

Douglass: I knew him as a person before he told us why he was on death row, and it was like facing the humanity of the enemy, because in my theoretical construct, the person who shoots his wife would be the enemy. But I already knew him as a person, so I had to put together this Leroy person that I knew face to face, with the enemy who had come with a shotgun and killed his wife.

So it was a challenge for my nonviolence. At that point, we had a relationship and I wasn't going to end the relationship because of something he had done 10 or 15 years before, but it was an uncomfortable kind of thing. You just have to live through it. Obviously, I never condoned what he did. Eventually, he got to the point where he would talk with us about his remorse.

He changed over the time that we visited him. I'm not saying this is because we visited him, but over time, he became a much more serious person and faced up to what he had done. He talked about how he was sorry that he had done that, and he certainly understood that this was a wrong thing to have done and that it hurt his family in a lot of ways and that he was responsible. That gave me more peace about being in support

See **Lifelong Path of Nonviolence** *page 13*

A Lifelong Path of Nonviolence

from page 12

of him and visiting him.

Spirit: *Many people that you might expect to be completely hostile actually asked that he not be put to death — even some family members on his wife's side.*

Douglass: Yeah, *all* of the family, as a matter of fact, and the woman that he shot. We began visiting Leroy when only one of his sisters would visit him. He's one of nine kids, and he was one of the younger ones. He was on death row for over 20 years, so over time the hostility and recriminations began to break down.

The sister who was consistently in touch was raising his two-year-old daughter, La Tonya. La Tonya was his daughter with the wife that he killed, Ruby. As La Tonya grew up, at first she would write letters to Leroy and visit with her aunt; but as she grew older, she cut Leroy off because she was rightfully angry at what he had done. It was after several years that she eventually came to terms with it and accepted him back into her life again.

Spirit: *That must have been a huge step for her.*

Douglass: Oh yeah, and she's young. I think she was 24 when he was killed four years ago. So having made that move, they became very close. She visited and they wrote back and forth and they phoned as much as they could. By the time the state was ready to execute Leroy, his family had become very close to each other and La Tonya remained close with the other side — to Ruby's family.

When the state suddenly announced that he was being executed, there were about three or four months where the lawyers were trying to do something and the family was trying to get a clemency hearing. Leroy's brothers and sisters didn't want him killed, and La Tonya clearly didn't want him killed.

She wrote to the governor and said, "If you kill my father, then I'm an orphan and I have no parents left." She asked for him to have life without parole instead. But the interesting thing was that the other side — Ruby's family, including Ruby's sister, who was one of the people Leroy shot — were also opposed to his execution.

Spirit: *It seems almost unbelievable. Why did his wife's side of the family end wanting his life to be spared?*

Douglass: They were opposed because of La Tonya, and because they had stayed close to her. That was her mother's family, and they knew how much she had come to care about Leroy. They knew that she saw him clearly as her only remaining parent and she didn't want him killed. So although they were still very angry with Leroy for what he did, they didn't want him killed for the sake of La Tonya.

Spirit: *So she only had two or three years with him after accepting him as her father again before the state took his life?*

Douglass: Yes. She was 24 when they killed him after she had become close to him. For a long time, they were estranged. When we first visited Leroy, he would say things like, "I wrote La Tonya all this fatherly advice and she won't answer my letters." And I'm thinking, "Well Leroy, is that really a surprise?"

But over the years they had worked through this, and she had forgiven him and become close to him. She saw him as her father and she'd read his letters of advice. She appealed to the governor for clemency because she said, "If you kill my father, both of my parents will be gone."

Spirit: *It's kind of beautiful that she had a spirit so large that she could end up feeling he was her father.*

***"The works of mercy."* Rita Corbin's art depicts the Catholic Worker ideal of giving mercy to the hungry, the sick, the stranger and the prisoner, based on Matthew 25.**

Douglass: And Ruby's side of the family asked that he not be executed because of what it would do to her. So the entire family on both sides was united on that.

About a year after they killed Leroy, I went on a speaking tour with Bill Pelke, the relative of a murder victim who travels to speak against the death penalty. We were at a little town near Selma. Leroy was from that area and I always talked about his case as the epitome of all the bad things that can happen with the death penalty in Alabama because he was guilty of the crime he was accused of, but in every other way, it was a miscarriage of justice. I was telling his story and afterward, two women stood up in the audience and said, "We are Ruby's sisters and we know all about this case."

Spirit: *The sisters of his wife were actually in your audience? What did they say about Leroy's case?*

Douglass: They basically reinforced what I had said about why he shouldn't have been killed. It was a blessing that they did that. This was very up-close and personal for them, of course.

Spirit: *Their own sister was murdered by this man and yet they still felt his execution was a miscarriage of justice?*

Douglass: Exactly. Yeah, by the time he was executed, even the prosecuting attorney who prosecuted him thought he should be spared.

Spirit: *Just before his execution, The Huntsville Times reported that Bruce Gardner, the district attorney who prosecuted Leroy, condemned the death penalty as a "barbaric, abhorrent practice." What did you think about his turnaround?*

Douglass: Well, it's a good thing. And I thought it was about time. We're all complicit in different ways with the system of violence and he faced the way that he was complicit and made changes, and that's very good. It's like the people at the Trident base who left their work in the military. You see that what you're doing is wrong and hopefully you have the guts and the wisdom to stop that and do something else, and, in his case, to come out and oppose it.

Spirit: *Gardner spoke out against the execution and said, "I'll be in a somber, contemplative mood wishing the best for Leroy." Does this change of heart from a former prosecutor give you any hope?*

Douglass: Yeah, in terms of the death penalty, it gives me hope. Of course, it's too late to do anything to help Leroy, but yeah, it offers hope. It's the same question as how do we respond to the White Train coming in with nuclear weapons, because there's this tremendous violence being done and the process of nonviolence is long and slow. It's a similar kind of thing, you know, because Leroy is dead.

Spirit: *When Gardner spoke out against the execution, it was far too late to prevent Leroy's execution.*

Douglass: Well, that's true. One of the central conflicts in nonviolence is that we all have to be converted. We all have to be converted over time, and in the meantime, a lot of suffering goes on. You know, that was one of the conflicts we had around how to act at the Trident base because the trains were going in carrying nuclear weapons and that made people kind of frantic, and the rate of nonviolent change is slow, so you have to be patient.

We were pretty involved in the process of watching all these people come forward, saying that Leroy shouldn't be executed, and saying that the judge wouldn't have sentenced him to death except that it was his first death-penalty case and he didn't know what he was doing. And the prosecutor now thinks the death penalty is barbaric, and a couple of Leroy's lawyers who defended him said they were incompetent, and that they were tax lawyers or whatever. So nobody thought he should be killed.

Spirit: *Yet he was killed. Why did no one listen when all the people spoke out?*

Douglass: Well, it's the system. The governor could have granted clemency and I don't know why he didn't because he was at the end of his second term. He was about to go out of office and it wouldn't have cost him anything because he couldn't run again. So I don't know why he didn't, but he didn't.

Spirit: *You and Jim were present when Leroy was executed. What was that experience like for you on a personal level?*

Douglass: Well, the way it works, the whole thing is nuts. When you're on death row, you get four visits a month and you have a list of four to six people who can visit you, but only two of them at the same time. So Leroy was on death row for almost 20 years and his visits, when he had any, were totally curtailed.

Then, the week before they kill you, starting on Monday morning, you can have up to 15 people at a time for the entire day, all week. So we went down on Tuesday morning with his family, and for the next days, we all sat around. It's like a big gymnasium with sort of school lunch tables, and the only food you get comes from the junk food machines they have.

We stayed there from 9 to 5 every day with Leroy and his family. Most of the family came at least part of the time. It's just surreal that you know they're going to kill this man and he's perfectly healthy — well, not perfectly healthy, but he's certainly not about to die. And they're going to kill him on Thursday and we're all sitting around talking. The family is reminiscing about "do you remember this and that?" and "how is so and so?"

This went on for four days and we're all listening in the back of our heads to see if the lawyer is going to come and say there's a stay of execution, or if the governor is going to grant clemency. We're all kind of waiting for that, but nobody's really talking about it. It's just bizarre. I don't know how we did that. It's very strange.

Spirit: *Was his daughter there too?*

Douglass: La Tonya was there the whole time. On the last day, she tried to personally call the governor to plead for her father's life. She ended up missing a couple hours of that last day because she was sure the governor was going to return her call, and she was at the motel waiting because there was no way for him to call her in the prison. Eventually, she came back. They kill people here at 6 p.m., so at about 4 o'clock, they came in and took Leroy out. And that's like a funeral with the person there alive, with people wailing and the whole thing.

Spirit: *His family was crying and anguished when they led him away?*

Douglass: Oh yeah, yeah. And La Tonya was just a basket case at that point because she had really convinced herself that the governor would do something. She was wailing and crying and hugging Leroy. It was not a good scene.

The worst part of it is, when this happens in Alabama, there's nowhere for the family to go. They come and take the person off to a little concrete-block building where they kill people. And the family goes out the visiting entrance into the parking lot and then that's it for them.

They don't even have any way of knowing whether the person's been killed or when he's been killed. There's no communication at all. So they get in their car and drive back to Selma, knowing that as they're driving, Leroy's being strapped down to the gurney. It's just inhumane, not only to the person being killed, but to the whole family.

Spirit: *Did you and Jim witness the actual execution itself?*

Douglass: Yeah, we did.

See **Lifelong Path of Nonviolence** *page 14*

A Lifelong Path of Nonviolence

from page 13

Spirit: *Did Leroy's family not want to see his execution?*

Douglass: Leroy didn't want them to. I don't know if they would have wanted to, but he didn't want them to see that.

Spirit: *Tell me what you witnessed when you went into that concrete building.*

Douglass: Well, we were driven to the concrete building by two guards in a car who were laughing and joking because this is just part of their job. Then, when we got there, we sat outside for two hours until 8 o'clock, not knowing why because they kill people at 6. All we knew was that he hadn't yet been killed.

It turned out that Clarence Thomas had issued a stay while the Supreme Court read the case — and then he lifted the stay. For two hours nobody knew, and I don't know if Leroy knew. He was strapped to the gurney that whole time.

Spirit: *Oh God.*

Douglass: Yeah. So then they take you inside this building, once they finally decide that it's time. The prisoner is allowed to have witnesses and the victim's family is allowed to have witnesses, so there are two separate rooms that people can sit in to watch this process through a big glass window. In Leroy's case, we were the only witnesses and we were there for him and the victim, I guess you could say, because she was family too. And there were reporters.

They opened a curtain and there was Leroy in a very tiny room on a gurney strapped down in cruciform, which is interesting. The arms of the gurney go out to the sides like a cross and he's got a tube in his vein in his arm and the tube goes into the wall. There are three people behind the wall who pull levers and nobody knows which one starts the "cocktail" running, so it's kind of like the firing squad, when nobody's supposed to know who really does the deed.

But the way you know the actual killing has started is the chaplain, who is in the room with Leroy, kneels down and starts to pray. That's how you know that they're killing him. And who knows what a person's body feels during these things because one of the drugs paralyzes you so you don't have any way of knowing. I mean, we could tell that he was gasping for breath, and you could tell that he was not comfortable when he died.

Spirit: *How long did it take for him to die? Did you have any way of knowing?*

Douglass: From the time it started, I think it was probably 10 or 15 minutes for the whole process. They do things: They tap his eye and they call in his ear and they do all of this stuff that's supposed to prove he's dead. Then they close the curtain and you get driven off. But he was very calm. He wasn't struggling. He was as resolved as a person can be, I guess.

Spirit: *When you talked to Leroy on that last day, what did he say about his upcoming execution?*

Douglass: You know what he said? One thing he said was, "I hope they don't take too long because I'm worried about you all driving home in the dark."

Spirit: *Oh God! Sometimes life is just too strange for me to take.*

Douglass: Isn't that something?

Spirit: *That is the trippiest thing I've ever heard.*

Douglass: The last thing he said on that last day was not for himself. It was for the people who were there to support him.

Spirit: *I'll never figure this life out. Did he say anything else?*

Douglass: No profound last words were said. There was a chaplain who had been meeting with him who came by that day. And, you know, he said he was ready and that kind of thing. He thanked everybody and told us he loved us and all, but no, he didn't say any last words.

Spirit: *What do you think of executions now, after seeing a person that you had come to care about being put to death?*

Douglass: Well, I think they're brutal and barbaric and cruel and inhumane.

When Leroy killed Ruby, that was wrong. But Leroy was in the grip of huge rage and was upset that his whole life was falling apart. She had left him, and I think she was wanting to marry somebody else. He was drunk, he was high on drugs, his whole life was falling apart, and he did this horrible thing.

But when he was executed, there were four or five people in uniform, very cold and dispassionate, doing their jobs, strapping him down, putting poison in his veins.

Spirit: *That's called murder in the first degree, isn't it? They rationally and deliberately chose to put this man to death. And so did the Supreme Court justices and so did the government officials who washed their hands of his death.*

Douglass: Exactly, yes. So to me, that was much worse than what Leroy did, because he had this whole scenario of anger and rage and drugs and everything falling apart. (But when he was executed), nobody was on drugs, nobody was angry, it was all very cold and calculated.

Spirit: *And it was murder, whatever they may call it.*

Douglass: And murder, yeah. In fact, on the death certificate, when a person is executed, they put it down as homicide.

Spirit: *As homicide? They do?*

Douglass: They do. We have death certificates that we use in our demonstrations for people who have been killed.

Spirit: *When they reinstated the death penalty in the 1970s and executed Gary Gilmore and John Spenkelink, I wrote that the most lethal killer of all had been unleashed: the state executioner. Think of all the people executed since then.*

Douglass: Yeah, we have 203 people on death row right now, most of them men, five of them women, in Alabama. It's about 60 percent African American, pretty much all poor. If they weren't poor, they wouldn't be on death row.

Spirit: *Why wouldn't they be?*

Douglass: Because they could afford decent lawyers. In Alabama, if you're on trial for a capital crime, and you're indigent, they do appoint you a court-appointed lawyer. But the amount of money is capped at an incredibly low figure, at a level that would pay maybe four or five hours of a lawyer's time at the rates they charge.

And they are not reimbursed for extra things like mitigating research or forensics. So if you don't have money to pay for your own lawyer, you're losing already because unless somebody works on it pro bono, they just aren't going to be able to do the kind of work that needs to be done.

You may remember that Leroy's initial lawyer was a guy who hadn't been a lawyer in Alabama for very long and he advised him to plead not guilty because in Florida, where he had practiced, you couldn't be convicted of burglary when you were entering a home that you had lived in recently yourself. He told Leroy to plead not guilty and Leroy took his advice, thinking he would serve time. But it turned out the guy was wrong and so Leroy was convicted.

So in the initial stage, you have a court-appointed attorney who is woefully underpaid and probably overworked.

Spirit: *What about appeals? Is any money made available for an appeal?*

Douglass: If you are convicted of a capital offense, there are two tiers of appeals in Alabama that run consecutively and they're very complicated legal procedures. And you no longer have a lawyer supplied to you, so you either find somebody that will do it for free — which, as you can imagine, is not easy — or you try and do it yourself, or you just don't have anybody. Leroy had a couple different people appointed, all of whom said they were incompetent. A couple of them resigned from his case and never told him they had resigned, so when a date for his death came down, he didn't even know that he had lost his appeals because he thought he had a lawyer representing him.

Spirit: *Leroy White was an African American man living in Alabama, a state with a terrible history of racism and violence. How does that legacy of racism play out in the injustices you see today?*

Douglass: Alabama is still a hugely racist entity. Well, the whole country is a hugely racist entity and I don't think we've really confronted the fact that this United States that we talk about as being the hope of the world was founded on a basis of racism and genocide. First, with the native people who lived here in the beginning before any of the Europeans came. And then, with the wholesale exploitation of all the black people who were kidnapped and brought over here and lived as slaves under a system of institutionalized terrorism which didn't end when slavery ended. You know, it goes on to this day to a large extent, and it just keeps changing its form.

Spirit: *Have there been significant changes in Birmingham since the civil rights era when it was one of the most notorious cities in the nation?*

Douglass: On the one hand, everything is very different in Birmingham. Our city council is largely African American. Our mayor is African American. The last three mayors, all of the mayors since we got here, have been African American. The police chief is African American. You can go down the line and many of these offices that had never been filled by anyone but white, good old boys, now are filled by people who are African American.

On the other hand, there are very few elected prosecutors in the state who are African American and those are the people who decide what charges to bring. The police forces tend to be quite brutal. It depends on where you are, but the racism is still there and to some extent still enshrined in our state constitution.

Spirit: *What do you mean? How is racism enshrined in the state constitution?*

Douglass: Our constitution for the state of Alabama was written in 1901 by white landowners, former plantation owners, with the explicit purpose of keeping black people and poor white people out of power. It was a reaction to Reconstruction where we actually had black elected officials and black people voting and being treated like human beings.

So this constitution was written in 1901 specifically to keep the plantation class, the planter class, in power. And it still has in it provisions that make it illegal to educate kids together of different races. Right after Jim and I moved here, we defeated in a referendum and took out the part that makes interracial marriage illegal. But that's only recently, in the last 20 years, and that was a close vote.

Spirit: *That's just unbelievable. And it was a close vote?*

Douglass: Yeah, it was. It squeaked through. It's very insidious because there have been two attempts in the last several years to remove the language that makes it illegal to educate kids together.

Spirit: *But doesn't Brown vs. The Board of Education make separate but equal education illegal?*

Douglass: Well, that's why it's not a huge issue, because it's superseded by federal law. The same was true for the miscegenation thing, but you know it's right there in the law for the state.

Spirit: *So symbolically, it's still a grievous kind of racism that carries over.*

Douglass: Exactly. And the solution that they were proposing would be even worse because it removes any assumption that kids were supposed to have an education funded by the state. So, you have to be very careful because it's really subtle.

And for all these things, you have to have a picture ID to vote. And if you're a poor black person, you may not have a picture ID and it might not be possible to get one easily or at all.

Spirit: *Disenfranchisement of black people was a big tool of the Jim Crow South, and recently, disenfranchisement has become a big tool of the Republicans.*

Douglass: Right, exactly. And the overwhelming majority of people in our prisons are African American men who get hit with felonies under the drug war laws. Then they're felons so they can't vote, they can't live in public housing, they can't get public assistance. There's a whole list of things that you can't do once you're a felon. It means that you can never get back up again because you're always in the custody of some part of the state — if not in prison, then you're on probation or parole and you're just not able to pick yourself up again.

Spirit: *Many of the guests at Mary's House are African American families. Has that opened a new window into what life is like in a city still so burdened by racism?*

Douglass: To some extent. For the people at Mary's House, the primary open windows have to do more with being poor. The people I have really learned a lot from, as far as racism goes, have been my friends from church and people like that who are way more successful in the eyes of society than I'll ever be. [laughs]

They often have beautiful homes out in the suburbs and they make a lot of money and they're doctors and lawyers and teachers and all those kinds of things. And they're still subjected to all the indignities and dangerous things that the people I work with every day in the slums have to deal with. Things like driving while black, and having the talk with your kids so that hopefully they won't get shot if they get pulled over by the police, and just constant assumptions about who they are that are nowhere remotely true.

Spirit: *Constant assumptions about who they are based on race?*

Douglass: Based on the color of their skin, yeah. When we first came here to Birmingham, we began to go to a little parish called Queen of the Universe, a little black Catholic Church, which is very professional. The people in that church, their kids are judges, federal judges and lawyers and doctors and many of them were teachers — very respectable people.

A whole parish of respectable people, by and large, and a couple of months after we got there, we had a visiting priest who used his sermon to tell people they should stay off drugs and save their money and make sure their kids went to school.

It just kind of took your breath away. We hadn't been there very long, but we knew enough about these folks to know that he was talking to the wrong audience here, because they wouldn't even think of that. And it was because of the color of their skin, because he would not have preached that sermon had it been a white parish that he was talking to.

Spirit: *It was a white priest giving this inappropriate and condescending sermon?*

Douglass: Oh, of course, yeah. It was a white priest. We only have two African American priests in the diocese.

Santa Cruz Police Violate First Amendment Rights

The Freedom Sleepers plan to return every week in increased numbers to press the community to support restoration of civil rights for homeless people.

"Make Sleeping Legal." **People even display protest signs in their sleep in Santa Cruz.** Photo by Alex Darocy, Indybay.org.

Commentary by Robert Norse

At midnight on August 11, ten police officers converged on 20 Freedom Sleepers at City Hall in Santa Cruz, some of them awake on the public access way, and some asleep on the grass. The officers refused to respect the legal right to view public agendas posted at City Hall, or the language of the "Park Closing" law.

The Freedom Sleepers angrily objected to the demands of police that they leave. Two people were given additional stay-away orders for 24 hours. Israel Dawson, a UCSC documentarian working to film and record the protests, was handcuffed and arrested for "not identifying himself" and "walking away," according to the officer who arrested him.

Santa Cruz homeless advocates are continuing the protests, and remain determined to rouse the conscience of the community against the Sleeping Ban.

This was the most intrusive and aggressive police response yet. On the positive side, the activists, angry at the arrest of an innocent photographer, returned to the park with the intention of forcing police to withdraw or arrest them.

Santa Cruz police, apparently after conferring with sheriff's deputies, may have been advised that the jail authorities weren't interested in taking a dozen or more people into custody.

Police ignored the wording of the municipal ordinance (MC 13.04.011), which exempts passageways through parks, on which I, for one, was standing. They also declined to suggest a legal place where homeless people — who made up half our group — could go to sleep.

Earlier that evening, in the Santa Cruz City Council meeting, Freedom Sleepers read the text of the Department of Justice statement supporting the right of homeless people to camp in Boise, Idaho. In response, Santa Cruz Mayor Don Lane cut off Oral Communications before 10 people in line could speak.

Meanwhile, the Freedom Speakers, angered by the unconstitutional and unnecessary police intimidation, continue to sleep on the sidewalk and plan to return in greater force for the next actions. sleep-outs have been held every Tuesday in the months of July and August.

The UCSC documentarians Lauren Benson and Israel Dawson had been vide-orecording the protests with their lighting and cameras on tripods. They had videoed extensively throughout the last four protests and sleepovers, as well as prior Freedom Sleeper breakfasts at Highway 1 and River Street in Santa Cruz.

Indybay photographer and writer Alex Darocy also covered all the Freedom Sleepers protests and published photos of the actions. All three reporters were cited or arrested earlier in the night. Add me to the list since I extensively record police interaction with protesters for broadcast on Free Radio Santa Cruz. I received my second citation and my first-ever Stay-Away-from-City-Hall order (for 24 hours).

Lauren Benson got a ticket for "being in a park after hours" (MC 13.04.011), as well as a stay-away order for 24 hours. I had the honor of getting this phony citation several minutes before Lauren. Sgt. Forbus denied my right to be on the access pathway through the City Hall courtyard and my demand to be allowed free access to the posted city agendas along that passageway.

Perhaps his primary concern was my audio recording of each ticketing encounter. Perhaps it was my loud denunciations of police shutting down the right to assemble at the seat of government. Police also cited Darocy for being in the park as he took photos of the event. This is the first time when all four reporters were cited.

Israel Dawson reported that, when told by a cop to get his ID, he started walking towards his backpack, at which point he was seized and handcuffed, charged with "resisting arrest," held three hours at the jail, and given a misdemeanor charge. His court date is in mid-September and he could face six months or a year in jail.

Police sought to drive protesters out of the park with citations and an arrest. They seemed upset that the demonstrators didn't simply disperse, but responded with angry questions, and declared an intention to return to the City Hall courtyard in front of the mayor's office.

Once most of the people had been pushed to the sidewalk, police began ticketing people for "blocking the sidewalk" or "lying down on the sidewalk" when they attempted to set up their bedding there — in legal areas. The police also threatened to confiscate the fruit and vegetables, peanut butter and jelly, and other food items. Abbi Samuels of Food Not Bombs responded hotly that they could take the table, but Freedom Sleepers would not be driven away.

Another officer ignored Samuel's attempt to explain to him that the public sidewalk in front of City Hall is not covered by the ban against lying down (not just sleeping). The City Council had passed that ban in order to make Pacific Avenue hostile and off limits for poor people, street people, youth, and travelers two decades ago.

Demonstrators were very upset with the soft-spoken Israel Dawson's abduction for "resisting arrest." In response, Rabbi Phil Posner and others declared they would immediately return to where they'd been resting or standing and, if necessary, go to jail in solidarity with Dawson.

Perhaps this challenge to their authority prompted the police to abruptly leave. It might also have been the appearance of four sheriff's deputies seen consulting with police. Hours later when Dawson was released, he noted he was not held because of the bed shortage in the jail, so perhaps the deputies asked the cops not to send more folks into a crowded jail.

Folks did get back to sleep, though in reduced numbers. There were probably at least 10 sleepers on the sidewalk. I slept in my car adjacent to the sleepers. All of this is "illegal" under MC 6.36. which bans all sleeping on public property or in cars after 11 p.m.

The police did not return at all in the morning. Interestingly, no one got sleeping, blanket, and camping ban tickets, perhaps to sidestep the embarrassing reality (and legal liability) that Santa Cruz has no legal place for homeless people to sleep and yet simultaneously enacts a law making sleep outside a crime.

After some discussion in an impromptu General Assembly, the protesters decided to maintain both their right to protest at City Hall and the right of the homeless to sleep without being declared criminals.

The Freedom Sleepers plan to return every week in increased numbers and press the community to support restoration of civil rights for the homeless (as well as the basic right to be at City Hall for peaceful petitioning, assembly, and protest at night — denied since 2010 by administrative edict). Join us in these protests if you believe in the right to sleep — and the First Amendment.

Something in Common

by George Wynn

His father's been
on the street a long time
and battered by it
The son thinks
his father will never
find a place to live

Home used to
be the two
of them together
Now they're both
out on the street

Strong People

by George Wynn

I am amazed
by the strength
of people
without housing
despite all the
negativity
they receive
and nights
they darn
near freeze

I asked a young man
I would say
between 30 and 35
I did meet
over coffee and cake
on the street
how he was able to survive?
"I was raised
with confidence!"

She Slept Under Moonbeams

(for a person on the street)

by Claire J. Baker

Others warned her not to sleep
directly under the moon's
rounded light,
that it would reverse
her magnetic poles,
disrupt her karma.

Unmoved by the omen
she slept under moonbeams,
opened her brave street-heart
to the moon's benediction.

In a week of sleeping out,
no alarming fright,
she began a fresh direction
in diction full of light.

The Good Work

by Claire J. Baker

There shall be
peace doves
for every activist,

doves overflowing
the sky's
four directions,

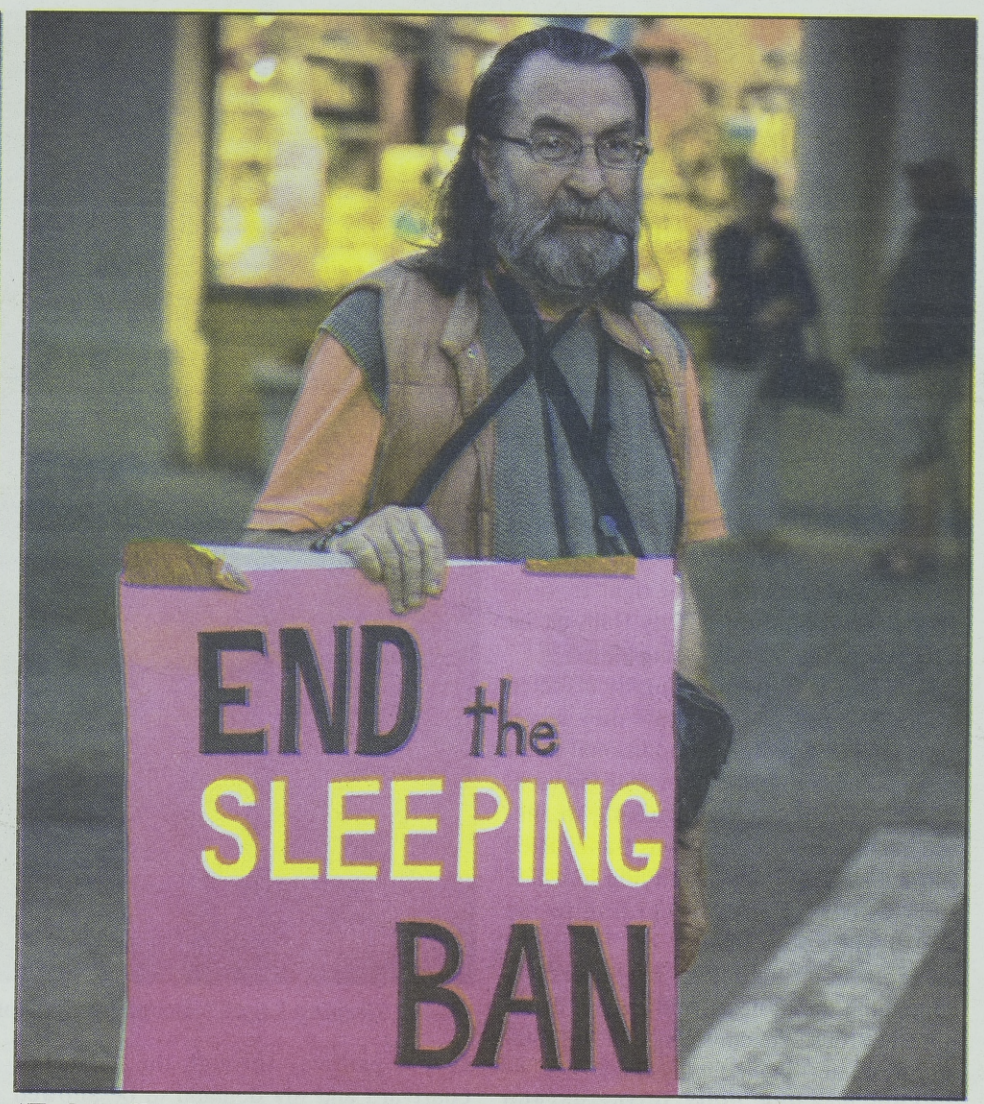
Flocks guiding
each other
by touching wings.

Dear needy world,
the good work
shall continue.

Freedom Sleepouts Continue as Support Grows

Santa Cruz police issued many citations in sleepout protests. Photo by Alex Darocy

"In our view, the situation in Santa Cruz is legally indistinguishable from the situation in Boise. We believe that the Freedom Sleepers are working effectively to bring attention to these important issues and to protect significant constitutional rights." — Peter Gelblum, American Civil Liberties Union



"End the Sleeping Ban." Photo by Alex Darocy, Indybay.org.

by Steve Pleich

Buoyed by the Statement of Interest submitted by the Department of Justice in the Boise federal camping ban case and by the support of increasing numbers of people experiencing homelessness, the Freedom Sleepers are continuing their highly visible sleepouts at Santa Cruz City Hall. Three successful actions in July were followed by four more sleepouts on August 2, August 11, August 18 and August 25.

Sleepers have held their ground and kept up the pressure on the City Council to repeal the local camping ban, despite repeated orders to disperse from 10 to 14 police officers stationed at City Hall during the evening protests. The police have also resorted to the more intimidating tactics of arrests and handcuffs.

The Santa Cruz ban on camping prohibits sleep between the hours of 11 p.m. and 8:30 a.m. anywhere in the city limits. Says Freedom Sleeper and homeless community member Dreamcatcher, "This is our chance to speak directly to our city officials in a way that the homeless are very seldom able to do. We will not waste this opportunity."

Support for the Freedom Sleepers continues to build, with the latest declaration of support coming from the Santa Cruz County Chapter of the ACLU of Northern California. Speaking on behalf of the Board, ACLU Chair Peter Gelblum said, "In our view, the situation in Santa Cruz is legally indistinguishable from the situation in Boise. We believe that the Freedom Sleepers are working effectively to bring attention to these important issues and to protect significant constitutional rights."

Media attention seems to be building as well. Community Television of Santa Cruz County recently aired an hour-long live panel discussion with four of the founding members of the Freedom Sleepers, and Santa Cruz Indy Media photojournalist Alex Darocy has been on scene covering every event.

Santa Cruz activists hope that the Freedom Sleeper actions will inspire homeless activists in other cities to begin Freedom sleepouts of their own at seats of government to demand the repeal of local camping bans and to call for an end to the criminalization of homelessness.

Homeless United for Friendship and Freedom (HUFF) member and Freedom Sleeper Becky Johnson sets the bar high. "We have always needed a national movement to end the criminalization of homelessness, and the Boise statement, together with freedom sleepout actions, may be the catalyst we've been waiting for. We really need to seize the time."

Freedom Sleepers plan to continue their community sleepouts at the Santa Cruz City Hall indefinitely. Updates on actions and events can be found on the group website @freedomsleepers.org.

Sleepouts in Defiance of Sleeping Ban

from page 1

table, which also displayed crates marked, "Free Produce & Groceries."

Later in the afternoon, the campers made their first appearance at a Santa Cruz City Council meeting. They have been holding the sleepouts at City Hall since July, but the council had been out of session for summer vacation.

During the public oral communications period, they each used their two-minute turn at the council podium to read sections from a recent statement of interest filed by the U.S. Department of Justice (DOJ) in a legal case involving an ordinance which bans sleeping and camping in public places in Boise, Idaho.

Activists in Santa Cruz, as well as those opposing sleeping bans in other cities across the country, have applauded the DOJ's involvement in the Boise case, and hope this will lead to the repeal of the ordinances.

The DOJ is taking the position that laws that criminalize homelessness violate the "Cruel and Unusual Punishment" clause of the Eighth Amendment of the U.S Constitution.

"Pursuant to that clause, the Supreme Court has held that laws that criminalize an individual's status, rather than specific conduct, are unconstitutional," the statement of interest states.

The Department of Justice's statement of interest also notes that under the Violent Crime Control and Law Enforcement Act of 1994, the federal government may enforce the rights of individuals to be free from "unconstitutional and abusive policing." The DOJ also mentioned in its conclusion that the lack of available space in homeless shelters should be a measure of whether camping ordinances can be enforced:

"For the reasons stated above, the Court should adopt the analysis in Jones to evaluate Boise's anti-camping and disorderly conduct ordinances as applied to Plaintiffs in this case. If the Court finds that it is impossible for homeless individuals to secure shelter space on some nights because no beds are available, no shelter meets their disability needs, or they have exceeded the maximum stay limitations, then the Court should also find that enforcement of the ordinances under those circumstances criminalizes the status of being homeless and violates the Eighth Amendment to the Constitution."

The public was only allowed 30 minutes to speak by the Santa Cruz City Council, and some of the sleep activists were not given any chance to address the council. The meeting eventually adjourned at 10 p.m. Shortly after that, the campers began to spread out in the courtyard and turn in for the night. Some of the protesters have houses of their own to go to, while others in the group are houseless and live on the street.

Police conducted a raid on the sleepout at around midnight. When they arrived, one man was sleeping next to his wheelchair, which he parked on the walkway near the entrance to council chambers. He was cited, but he maintained his ground and slept in the same location until morning.

About ten officers of the Santa Cruz Police Department, led by Sgt. Forbus, arrived during the raid. Forbus appeared to be videorecording protesters with an Apple iPad device. Several sheriff's deputies responded as well, but not until after the courtyard had already been cleared by the SCPD.

Many of the Freedom Sleepers were issued citations for being in the courtyard after hours and were told to move to the narrow portion of the sidewalk in front of City Hall. The sidewalk, however, was not a safe zone either, and people were issued citations for obstructing the sidewalk.

During the raid, videographer Israel Dawson was abruptly arrested while in the act of recording and documenting the protest. As they handcuffed his wrists together from behind, police accused him of walking away from them when they were trying to get his name. He was booked into county jail on the charge of resisting arrest.

Dawson's assistant, Lauren Benson, was holding a boom microphone that was wired to Dawson's video camera at the time of the arrest. She was issued a citation for being in the City Hall courtyard after hours, in addition to a 24-hour stay-away order. Dawson and Benson have been documenting the series of sleepouts for Dawson's final project in the Social Documentation Master of Arts program at UC Santa Cruz.

Homeless rights advocate Robert Norse was also issued a 24-hour stay-away order by police after he entered the courtyard area and walked along the main pathway to council chambers. He argued it was the public's right to use the pathway to access the City Council agenda, but was issued a citation by police regardless.

The park's stay-away ordinance was adopted by the Santa Cruz City Council in 2013 as a method of eliminating "problem" behavior in public parks. Under the ordinance, a park user can potentially be banned for 24 hours after receiving one citation of any type in a city park. Repeated citations can lead to a person being banned from a park for up to a year, and a violation of a stay-away order can result in a misdemeanor arrest, which is punishable by jail time.

After the police finished the raid and left, several individuals did return to the courtyard area, but most in the group decided to sleep on the sidewalk in front of City Hall that evening, where they stayed until the morning.